Programs Branch User Report

Ministry of the Solicitor General of Canada

Secretariat

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THE ROLE OF REFORMERS AND VOLUNTEERS IN THE ADVANCE OF CORRECTIONAL REFORM IN CANADA, SINCE CONFEDERATION

NO. 1984-70

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Abstract

The advance of correctional reform in Canada, and in particular in Ontario, since 1867, is traced through a critical analysis of governmental commissions and the activities of after-care associations. The historical conduct of social welfare programs such as corrections, reflects an increasing emphasis on formal means of social control by various levels of government, which began in earnest in the mid-19th century. The growth of Prisoners' Aid Associations, similar organizations and Commissions paralleled and was dictated by the rise of the Institutional State, with its increasing resort to institutionally-based solutions to traditional social problems such as madness, deviance and crime.

The earliest record of voluntary agencies indicates that they were religiously-directed and parochial in character. The need for religious commitment and expiation were then closely tied to approved notions of offender reformation in the early post-Confederation period. After 1900, more scientific or positivistic treatment approaches began to replace the simple deterrent or punitive influence of earlier Classical School doctrine. The cycle of organizationally-induced social reform and reaction reveals disruptions in continuity produced by fluctuations in crime rates, financial constraints, changing commitments to different correctional theories, variable public interest, shifting national priorities and related factors.

Between World War I and the 1950s, Canadian governments took an increasingly expanded role in the provision of probation and after-care services. Canadian correctional reformers, if not the first to innovate were generally in step with the pace and direction of reform abroad. The concomitant growth of medico-legal groups, social work, and related social sciences, gave a progressively professional character to reform agencies and commissions and fostered a gradual commitment to a medical "treatment model" in corrections.

The collective social unrest manifested during the Great Depression and decades later in the 1960s and 70s, produced renewed demands for greater correctional innovation and specific challenges to private agency and government alike. The socio-legal policies adopted by criminal justice authorities to meet these needs included such attempts as the accelerated use of diversion or institutional alternative strategies, criminal law reform and research-based policy inputs among other remedial changes. This contemporary period was thus characterized by a more critical and holistic approach to correctional reform however, problems such as criminal recidivism continued to persist.

SECTION I

The Evolution of Canadian Correctional Reform: An Overview

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In this section we trace the historical development of Canadian corrections and the theory associated with understanding its cycles of reform and reaction. When in 1867 the colonies of Nova Scotia, New Brunswick and the Canadas were united under the British North America Act, its provisions left the provinces with control over their gaols, asylums and reformatory prisons. Under Section 91 of the Act, the Legislature of Canada maintained control over penitentiaries. Offenders who were sentenced to terms of over two years or more were to be incarcerated in institutions under federal jurisdiction. The institutional structure and organization of Canadian corrections at Confederation primarily reflected American penal innovations combined with key elements of Anglo-European social philosophies.

The "discovery" of the institution in the early 1800s has been viewed by David Rothman as a corrective and functional attempt to control the disorder which had been produced by a weakening of traditional forms of social control. Implicit in Rothman's thesis is the notion of the perfectibility of the individual and society through an exemplary institutional regime.[1] Gerald Grob depicts the rise of the mental asylum as a response to the demographic pressures of immigration and urbanization.[2]

Others, such as Andrew T. Scull, see the rise of the asylum and prison in purely sociostructural terms, where such segregative mechanisms and reforms were strictly an expedient reflection of a "rationalized capitalist social order".[3] In order to assess distinctive Canadian correctional reform through the commissions and the role of volunteers and other reformers, a critical and yet eclectic approach to social history and criminological theory is necessarily adopted. It is the Rothman-Grob thesis to which we subscribe in this anaylsis.

Howard Becker's classic text, Outsiders, focused on the role diversities of middle-class "moral entrepreneurs" in developing moral crusades.[4] Historical work by Anthony Platt has addressed the creation of the juvenile justice system by the "child savers" in revisionist" terms. He views it simply as a means of repressing lower and working-class youth.[5] To attibute only such base motives to the whole middle-class social reform presence historically in Canada is at best simplistic.[6]

Those in the vanguard of many of the reform movements in the 19th century were not radically different in social characteristics from those whom they endeavoured to help.[7] Social problems such as crime and punishment affected all social class strata. Frequently the opposition to criminal justice reform came most stridently from law enforcement agencies, correctional practitioners and others charged with actual rule enforcement.[8] In addition, the move toward institutional responses to social problems in Canada considerably preceded the advent of full-blown industrialization and urban growth.

The primary concern here is with the development of Canadian federal corrections after Confederation. It is necessary, however, to establish the roots of its social beginnings. Its origins stem from the rise of the Institutional State, first in England and later in North America, which began in earnest in the late 18th century.[9] The historical separation of Church and State coupled with the growth of a market society, brought with it increasing social pressure on government to deal with social welfare concerns. Early social relief schemes in England developed from the Elizabethan Poor Laws drafted in the 1590's. This legislation was redrafted in 1834 and harsher measures were then substituted to alleviate the burden on public expenditure.[10]

By the 1700s, many purely religiously-oriented relief programs were being progressively taken over and centralized by the State in England and on the Continent. With the trend toward increased societal rationalization, formal institutions such as the school, asylum and prison were used to shore up traditional means of primary social control. The creation of the Institutional State signalled a move away from informal activity, or voluntarism, to a government-directed professionalization of social welfare which began in earnest in the mid-1800s.

As the locus of reform gradually shifted, so too did the perception of the deviant and criminal individual. Doctrines of moralism and rational science were combined in reform policies which created a dichotomy between the desire for control and reformation. The individual to whom the traditional community had been responsible became cut adrift in time. In his state of supposed free will, he was to be kept in check by Jeremy Bentham's utilitarian and hedonistic calculus of State deterrence. The English correction inheritance was thus largely a policy of institutionalized deterrence, through law and institution, to correct the vagrant, pauper and offender alike. The broad general origins and causes of the evolution of the Institutional State are shown in Table 1.

The early development of the penitentiary in America in the 18th century had a religious direction. It began with the creation of the Walnut Street Jail in Philadelphia in 1790, under the Quaker directed Philadelphia Society. Its innovations included a regime characterized by inmate classification, attempts at internal self-government, a productive labour system, and a more humane system of punishment. This institution took its inspiration from English reformer John Howard, who had written his classic text State of the Prisons in England and Wales in 1777.[11]

Two competing correction systems subsequently developed in the U.S., the construction of the first of these began at Auburn, New York in 1817 and the other was created at Cherry Hill, Pennsylvania in 1829. The Pennsylvania System stressed a silent confinement approach to prison discipline while Auburn had a more flexible congregative plan.[12] The isolation and deprivation produced by the Pennsylvania System was initially seen by authorities as conducive to individual introspection and thus to moral reformation.

It was the Pennsylvania System which most impressed visiting foreign commissioners such as Alexis de Toequeville who visited these early prison systems.[13] It was ultimately this system which ironically found favour in England and Europe, while the U.S. moved progressively away from this approach due to its documented evils by the mid-1800s.[14] Canadian prisons of this early period, both prior to Confederation and in later decades, placed a considerable emphasis on a stern punishment program to attempt both to reform and to deter.

The philosophical underpinnings of this Classical School punishment doctrine stemmed in part from the work of Cesare Beccaria. His treatise On Crimes and Punishments, was published in Italy in 1764.[15] While it led to the reform of the harsh penal codes of the period, it also provided a rationale for immediate, public and comparatively harsh punishment. It was this spirit and certain related Neo-Classical legal reforms which were codified in early indigenous penitentiary rules and regulations. The criminal was clearly seen as morally and legally responsible for his conduct

and it would be nearly 1900 before broadened notions of social determinism or causation for crime developed under Italian criminologists such as Lombroso and Ferri.

The development of early civil government and a pioneer civil service in the Province of Canada, between 1841 and 1867, shows an activist rather than a laissez-faire approach to the provision of social services. The early public service thus occupied an important place in community life. The organization and functions inherited by the Dominion of Canada in 1867 were virtual replicas of the earlier provincial arrangements.[16] While the English Poor Laws were formally rejected in Upper Canada, the local gaols in the Canadasbecame congregate institutions to cope with paupers, the infirm, and criminal offenders. Acts were eventually passed for the better administration of the gaols in the 1830s, and a reformatory for young offenders was created at Penetanguishene in 1859.[17]

In British North America in the decades after 1800, the largely unreformed English criminal law allowed punishments such as branding, banishment, transportation, corporal and capital punishment.[18] The Judiciary in its wisdom had sought to find an alternative to such dispositions and this led to the movement to create provincial penitentiaries.[19] The completion of Kingston Penitentiary in 1835, based on the "Auburn", New York model was, the result of the efforts of early government commissions in Upper Canada. Subsequent commissions headed by Dr. Charles Duncombe in 1836 and in 1849 under reformer George Brown, attempted to guide correctional policy in the years prior to Confederation. It had become clear even before the creation of the Brown Commission of 1849 that a policy of unbridled deterrence

TABLE 1 .--The Origins of the Institutional State.

a) **Institutional Structure** (Social Welfare) ← Family, Church, Gaols, Workhouse (Community) ——→ Youth Homes ——→ Private/Public Schools; Reformatory, Jails, Penitentiaries; Asylums, Prisons (State) ——→ Correctional and Mental Institutions

(Middle Ages) (19th and 20th Century)

Social Control Modality ← Informal (Decentralized) ——→ Societal Rationalization ——→ Formal (Centralized & Bureaucratic)

View of the Individual - Moral Terms, Free Will Assumptions (Utilitarism) —— Moralism —— ► Socio-normative Terms, Social & Physical Determinism (Positivism)
"Social" Problem Model ∠ (Scientism (Method & Rationale for Reform) **Biological/Medical Model**

Locus of Reform ← Religion/Philanthropic (Voluntarism) —— Private Concern —— Class Mediation —— Public/ Concern —— State "Professionalism" (Royal Commission Response) "Cure" to Containment Shift

Middle-class Agitation

Theory of Crime ← "Classical School" - Individual/Social Responsibility - Deterrence to Reform Pre 1700s ——→ mid 1800s - 1900s "Positive School" - Social/ Individual Responsibility - Treatment to Change

Neoclassical return ←——┘
(Punishment Corrects)
e.g., 1930s & 1970s

b) **Factors Associated with Institutional Change:**

- Industrialization/Urbanization
- Demographic Pressures --Perceived Threat to Social Homogeneity (Mass Immigration, Rebellion and Social Problems)
- Scientific & Religious "Reformism" --Growth of Reform Ideology
- Professionalism--(Social Work, Teaching, Psychiatry, Civil Service, etc.)
- Economics Associated with Market Capitalism, Mercantilism replaced by Industrial Revolution
- Political & Social Philosophies--Tory Reaction to Reform confronted by Working-Class Discontent and New Egalitarian Ideologies

N.B.: The table is based on the transition of Western capitalist society e.g., England and Canada.

governed by the excessive use of the lash was in largely ineffectual.[20] The Brown Commission's recommendations later formed the basis for the Penitentiary Act of 1851.

In 1868, the former provincial institutions in Kingston, Ontario, Saint John, New Brunswick and Halifax, Nova Scotia, became federal penitentiaries under the B.N.A. Act.[21] The English Colonial Office Report of 1867, on the responses from the colonial governors, noted that Canadian prison and gaol facilities were unsatisfactory with respect to facilities, sanitation and general security.[22] The Ontario Board of Inspectors of Prisons and Asylums, which had begun in 1859, followed an earlier group of inspectors appointed in 1851.

The Board stated in its Seventh Annual Report of 1867 that Kingston Penitentiary's inmate population was nearly 900 and concern was expressed for the need for a new penitentiary in Quebec. The latter was begun in 1873 at St. Vincent de Paul. The needs of the penitentiary offenders for "religious moral eduation" had been attended to since 1852 by Protestant clergy, who had formed a Penitentiary School. Services for the Catholic inmates were conducted by Roman Catholic Chaplains.[23]

Regional development in the Canada produced a need for new federal institutions. Those constructed prior to 1900 included Manitoba Penitentiary in 1876, British Columbia Penitentiary in 1878 and the Dorchester Penitentiary in New Brunswick building in 1880. These correctional institutions under the Inspectorship of James G. Moylan, had enforced regimes characterized as follows:

> All were maximum-security institutions, administered by a strict regime - productive labour during the day, solitary confinment during the leisure-time. A rule of silence was enforced at all times. Parole (release into the outside community) did not exist; although inmates could have three days remitted from their sentence for good conduct.[24]

In 1892 the first Canadian Criminal Code was passed by Parliament based on the English draft code of 1878, Stephen's Digest of criminal law, Burbidge's Digest of Canadian criminal law and other related statutes.[25] The traditionally conservative Canadian criminal law underlay correctional reformism and it was not to experience major reform until some fifty years later.

With the creation of the federal Ticket-of-Leave programme in 1899, parolees had to report to local police stations due to a lack of appropriate organization. The Salvation Army Prison Gate Section played an instrumental role in keeping the new scheme operational in its early years. Brigadier Archibald later joined the federal Department of Justice to become the first Dominion Parole Officer in 1905.[26] Ontario passed its own Parole Act in 1917 and instituted probation legislation some five years later in 1922, following the passage of the Criminal Code Amendment Bill No. 74 a year earlier. The first Juvenile Delinquents Act of Canada, modelled on U.S. State legislation was also initially passed during this early period in 1908.[27]

The advances made by the Canadian correctional system by the time of World War I were in general quite positive. This was particularly true in the area of parole. The Dominion Parole Officer's Report of 1916 summarized the results of the first seventeen years of the Ticket-of-Leave programme. Of the over 9,050 ex-offenders released under the plan, only about 690 had

their licenses revoked or forfeited and 85% had completed their sentences successfully while on parole. The overall results of the parole services efforts were virtually identical to the national summary profile for the year 1916.[28] The results of nearly two decades of parole administration are given in Table 2. The significant role played by the Canadian Salvation Army and various Prisoners' Aid Associations was specifically cited in the Report.

The Report of the Inspectors of Penitentiaries of 1916-17 reviewed the first fifty years of federal correctional service. Inspector Douglas Stewart noted that while the ratio of offenders to the general population in 1867 was one inmate to 3,586 inhabitants, in 1917 the ratio was one inmate to 4,254 general population.[29] The wisdom of creating a Board of Commissioners for federal institutions was also questioned, as the concept was adopted in 1867 only to be abandoned in favour of an Inspector in 1875.

Modern correctional reform innovations included in the Canadian system for a half-century, as documented by the Inspector, were the separation of penal class offenders, individual cell confinement, prison labour farms and the use of sentence remission schemes.[30] Inspector Stewart bluntly reiterated the correctional practitioner's sentiments toward unbridled do-gooderism:

> "Actual results speaks more effectively than either the hysterical strieks of theoretical critics or the plaintive wail of super-humanitarians, who are suffering from abnormal development of the bowels of compassion.[31]

The pressures of mass immigration, prior to the end of the First World War, coupled with economic uncertainty, produced nativist sentiments in Canada which led to immigration controls in 1906.[32] The rate of indictable offences in Canada recorded its first major peak after 1900 between 1911 and

TABLE 2*

DOMINION PAROLE OFFICER'S

REPORT SUMMARY (1916)

The following statistics furnished by the Chief Commissioner of Dominion Police state the entire number of releases, forfeitures, and revocations during the seventeen years' operation:-

From 1899 to March 31, 1916.

Released on parole from penitentiaries ...	1,402	
Released on parole from other prisons	4,653	
Total	9,055	
Licenses revoked	318	or 3.5%
Licenses forfeited	247	or 2.7%
Total	565	or 6.2%
Sentences completed on parole	7,662	
Sentences not yet completed	828	
Total	9,055	

After seventeen years' trial it is gratifying indeed to realize that the percentage of those who have made good through the parole system is so large and tnat the total losses are so very small.

*Canada, Report of the Inspector's of Penitentiaries for the Fiscal Year Ended March 31, 1916, Ottawa: King's Printer, Appendix A, p. 13

1915, with a rate of 231 per 100,000 population. Indictable offences were to again peak in major fashion in the Depression 1930's.[33] The anomic or unsettled social conditions of the post-World War I period produced a renewed need to resort to the correctional institition to shore up beaches in social order. The nation was progressively drawn into a burgeoning age of industrialization, and was confronted by increased social heterogeneity and the new oppositional ideology of scientific socialism.

International labour unrest, in the wake of the Russian Revolution of 1917, surfaced in the Canadian West in the Spring of 1919. Inflationary economic conditions, wage restraints, and a flood of surplus labour led an amalgamation of militant unions in Winnipeg to call a general strike in May, 1919. Fears of a Bolshevik menance led to the passage of harsh seditious conspiracy legislation and attempts were made to deport the strike leaders who were largely of British origin. The North West Mounted Police played an instrumental role in breaking up the related demonstrations.[34]

A wave of prison riots also occurred in the 1920s and 1930s in the United States and Canada. These were thought to have been partially produced by differential rates of reform among the various institutions.[35] Legal and correctional institutions of the period faced a politicization of crime in Canada for the first time since the aborted rebellions in Upper and Lower Canada in 1837. Federal penitentiaries were opened during the pre-World War War I period at Prince Albert, Saskatchewan, in 1911 and in Edmonton, Alberta in 1906, but the latter was subsequently closed as a federal facility in 1920.

Criminal recidivism continued to be a spectre to haunt both justice authorities and prison reformers in this post-war period. There remained in

some circles, however, a basic faith in the reformative mission of the penitentiary. Louis N. Robinson, a leading American penologist in 1921, expressed this reform optimism:

> Above all, let us cease to store the criminal away for a few years to deteriorate and then to hand him back to the world to rob, cheat, and assault...Rather let us have factory-plants to which criminals shall come to the raw material - some of it rather damaged, to be sure. An institution can certainly alter men's physiques if it goes about it as definitely as a factory would treat silk or steel.[36]

With respect to the best means or direction for carrying out such a mission, correctional practitioners continued to disagree with reformers.

Federal Superintendent of Penitentiaries, W.S. Hughes, in his Report of 1924, echoed this feeling:

> The treatment of inmates in a penitentiary continues to be a subject for debate, and many hundreds of persons, who know little of crime, and nothing of criminals, still continue to offer suggestions or make demands for treatment of the criminal. It is most fortunate for the convicted ones that the suggestions of these inexperienced people are seldom attempted.
>
> In a properly managed institution, discipline is essential.[37]

Coral W. Topping provided one of the first overview assessments of the Canadian correctional system in a study of penal institutions was published in 1929. The survey, his Ph.D. dissertation at Columbia University, was sponsored by various levels of government and the Canadian Prisoners' Welfare Association. Topping discussed the historical rise of the correctional system in Canada, its structure at the federal and provincial level, and the

role of modern treatment and after-care.[38] The broad range of national correctional facilities and their organization in Canada, as they existed in this period, is shown in Appendix 1. Topping's research clearly showed the positivistic or scientific trend toward a more comprehensive treatment philosophy, as advanced by the numerous prison congresses since 1900. He noted that, notwithstanding these advances, structural and other limitations had a most detrimental effect on Canadian jails and other institutions of the period. Topping, while describing the nation's jails as clean and as institutions from which few offenders escape, noted that they were in the main "schools for crime".[39]

Canada, by the late 1920s had, however, incorporated a broad range of reform innovations into its national correctional plan. Programmes then current included reasonably detailed inmated classification schemes, special juvenile facilities with after-care options, a comprehensive system of industrial farms, and provisions for earned remission and parole. Coral W. Topping reviewed the principal strengths and weaknesses of the Canadian correctional system of the period. He observed that the system's strength stemmed from such factors as the quality of the officers, the institutional traditions, its government-sponsored building programmes, the treatment facilitites and policies of "experimentation". The weaknesses he enumerated included the tendency of government at both levels, to regard clean facilities as an ends in themselves, the inadequancy of staff training, the problem of neglected industrial farm wards, the condition of the county jail system, after-care supervision and the lack of sound correctional research.[40]

Dr. Alfred E. Lavell, Chief Parole Officer for the Province of Ontario, also undertook a study of the Canadian offender and his social readjustment upon release in the 1920s.[41] Lavell noted the pioneering efforts of Ontario in the area of parole programmes dating from 1910. The provincial Parole Office was formalized with the creation of a Board of Parole in 1917, following specific amendments to the Prisons and Reformatories Act the year before. An experiment in the granting of Extra Mural Permits to selected offenders in Ontario was also tried in the 1920s.[42] During the same period, the National Prison Reform Association and the Honour Leagure of Canada merged to create the Canadian Prisoners' Welfare Association.[43]

During the Great Depression 1930s, the export markets shrank dramatically, production and wages fell correspondingly, and massive unemployment resulted. A great many individuals were displaced from their homes and secure employment. What began was to be for many, almost a decade of aimless trekking, interrupted only occasionally by minimal activity in relief or work camps. Justice authorities in Canada became alarmed by marked increases in crime, particularly offences against property.[44]

To stem this perceived tide of unparalleled lawlessness, the authorities instituted a punitive legal or social control response. This period was characterized by record levels of deportations, numbers of offenders sentenced, incarcerated, and of those given the lash.[45] In the absence of comprehensive social welfare measures, imprisonment and a classical punishment regime were again resorted to by default. The C.C.F. Party, in its "Regina Manifesto" of 1933, made demands for greater social justice in corrections, but to little avail. Additional penitentiaries were opened with Kingston Prison for Women in 1934 and Collins Bay, Ontario, which was opened in 1937.

Despite such reversions to retributive punishment philosophies, the die was cast for a new era of positive and more scientific correctional reform. The Archambault Commission's recommendations indicated the direction of this new reform-oriented policy. The recommendations included provisions for centralized correctional system control, administrative reorganization, improved inmate classification, prison discipline reforms, improvements in recreation, education and other services, reform of prison industries, Criminal Code amendments, improvements in parole, probation and after-care services, reforms for women prisoners, and proposals for general crime prevention.[46] The onset of the international tensions in the late 1930s, however, signalled the start of the Second World War. The result was diminished public concern and shifting political expediencies, which served to frustrate the complete implementation of these important reform.

Notwithstanding the advances made in correctional reform, specifically in the area of probation and after-care, high rates of criminal recidivism persisted. Stuart K. Jaffary in addressing the subject of adult probation in the late 1940s in Canada observed:

> Figures for recidivism in Canada are disturbing. One third of all the adults before our courts have been there before, and a majority of the one third many times. In Ontario, male offenders are sent chiefly to two large institutions, the Ontario Reformatory at Guelph for first offenders and those under twenty-one, the Industrial Farm at Burwash for repeaters. For the year 1947, the Guelph figures show that of 1480 inmates 751, or 51 per cent, were repeaters; 212 (14 per cent) had more than three convictions while still under twenty-one. At Burwash, 1005 of the 1039 inmates were repeaters (97 per cent); 805 or 77 per cent had more than three convictions. The picture is worse in the penitentiaries. For all Canadian penitentiaries the population of repeaters has been close to 80 per cent for years; 4 out of every 5 have been before - and will likely return.[47]

These figures revealed that institutional regimes of the period were still largely custodial in orientation and this fact, in conjunction with a resistant inmate subculture, militated against effective correctional reform gains.

The national indictable offence rate per 100,000 population actually declined in the mid-1950's to 298 from 334 in the period from 1946 to 1950. However, the rate rose again to 334 in the period 1956 to 1960.[48] Although the indictable offence rate had increased steadily since 1900, it had not nearly approximated major summary offence increases, as well, the population at risk had also increased several times. The majority of the offenders traditionally incarcerated in Canada, prior to the 1960s, appear to have been nonviolent property offenders who neither heeded nor seemingly benefited from Canada's institutionally-based correctional regimes.[49] Underlying this classical deterrence-oriented punishment philosophy, was the Criminal Code which, although passed in 1892, was not the subject of royal commission reform until the mid-1950s.[50]

The decade of the 1970s ushered in a period of considerable tension and change in North American corrections. The violence which was associated with the advancement of civil rights in the U.S. in the 1960s, in part led to a series of racially and politically motivated prison disorders which began at San Quentin Prison in California.[51] This protest, which resulted in inmates questioning the very legitimacy of their incarceration, later culminated in a bloody riot at the Attica Correctional Facility in New York State in September in 1971.[52] In April of the same year a less extensive riot also took place at Kingston Penitentiary.[53] While these incidents were not formally linked by the subsequent inquiries, factors such as the general

climate of militancy and correctional unrest produced by the failure of the rehabilitative ideal or scientific "treatment model" had undoubtedly played a significant role.

The veracity and substance of the treatment or rehabilitative model was also given a critical empirical scrutiny by social scientists. Investigations by Martinson et al, Waller and others revealed that correctional treatment had in large measure, failed to achieve its touted reformative objectives in practice.[54] Such revelations again produced calls for more punitive "just deserts" policies or for a return to a neo-classical penal policies. Of fundamental importance to this growing debate between liberal and deterrence-oriented justice critics and yet an element not adequately explored, was whether treatment had failed due to its own substantive bankruptcy or simply because it had been foiled within the system.

The recent neo-classical return to a more hard line criminal justice policy is evidenced by the views of James Q. Wilson, David Fogel, and Ernest Van Der Haag.[55] In direct opposition to this body of work is the "new criminology" of Taylor, Walton and Young, and the Marxist or conflict perspective of Richard Quinney. These oppositional views posit radically different concepts of the individual, society and perspectives on social order.

While to the classicalists such as Wilson, crime is principally problematic, to those operating within the conflict tradition the problem is with society itself or specifically with its structured inequalities. Such debate has and will continue to have an effect on the nature and direction of correctional policy.[56] Others such as Herbert Packer have viewed the social response to criminality according to the "due process" and "crime control" models.[57] Recent studies by Tepperman, and Hagan and Leon indicate that

Canada's historical preoccupation has been largely with "crime control" as opposed to a strong concern for the extension of due process and that this has been reflected in a conservative justice policy.[58]

The latter-day Quakers, whose earlier fellows had pioneered correctional reforms in the 18th century America, known today as the American Friends Service Committee, have also expressed liberal disillusionment with coercive treatment regimes:

> Although punishment is no longer a fashionable rationale for criminal justice, the punitive spirit has survived unscathed behind the mask of treatment.[59]

Nettler has also addressed the problematic aspects of the individual's own responsibility for reform which current social theory has tended to obscure:

> The moral movement that is presently perceived and is itself subject to conflict and change is egalitarian. Its conception of behavioural causation, vindicated by the social sciences, attributes "responsibility" to determinants external to the actor. This attribution places the actor, in some fashion, beyond praise or blame.[60]

The absence of clarification as to the basic causes of criminality has allowed both the individual and society essentially to abdicate their responsibilities for the effective reduction of crime. The impact of correctional treatment in Canada has thus been influenced by such factors as the milieu in which it was practiced, individual volition or choice to be treated, and the nature of the treatment itself. It was toward a better delineation of these problematic causative factors which the federal Solicitor General Canada and the Law Reform Commission of Canada directed their attention in the mid-1970s.

The Law Reform Commission's analysis of the criminal law is likely to have important implications for the future correctional policy in Canada. Its research goal was to address the following aspects of the law:

In particular, we will be concerned with:

- identifying the types of conduct which should be made subject to the criminal law;
- analyzing the objectives to be attained by the imposition of criminal sanctions;
- finding alternative techniques for regulating conduct without resorting to the criminal law;
- studying the effectiveness of the adversary system; and
- examining the existing classification of offences and the jurisdiction of the courts.[61]

The Law Reform Commission also investigated related issues such as the limits of the law, principles of sentencing, aspects of deterrence, mental disorder and crime, criminal procedure, and the concept of diversion, among other significant issues.[62]

The Solicitor General Canada mounted a comprehensive research and policy planning programme within the past decade to better define criminal justice priorities and goals. In 1973, the Ministry reaffirmed the lead taken by the earlier Quimet Commission, by stating that while the goal of societal protection is paramount, the unnecessary overreach of the system must also be prevented.[63] The Task Force on the new Federal Corrections Agency, created to integrate the National Parole Service and the Canadian Penitentiary Service in 1976, produced a comprehensive analysis of federal correctional institutional programmes.[64]

A Task Force on community and non-governmental involvement in Canadian Criminal Justice was also completed in 1977. It addressed the key issues of maintaining the stability of community-based justice agencies and groups, the broadening of the responsibility base for corrections, and provided a detailed chronology of the historical development of Canadian after-care.[65] (Appendix 3).

In order to assess the overall character of Canadian corrections, it is necessary to trace the innovations which were advanced from abroad and their receptivity by indigenous reformers. Most of Canada's early penal reform, including new facilities reform programmes and legislative enactments, were developed directly from England and America. A detailed historical tracing of such correctional reformism in chronological terms shows that Canada and provinces such as Ontario were in close synchronization with foreign reforms.

The evolution of legal reforms and prison and reformatory systems reflect a very progressive cast to Canadian reform. Canadian reformers and correctional commissioners frequently visited institutions in distant jurisdictions during their investigations and the broad range of accepted reforms reflects a more broadly-based permeation of new ideas. This process of social reform advancement is specifically discussed in Sections II and III and is depicted here in Table 3.

TABLE 3 - Chronology of Reformism, England, Canada and United States*

	England	Canada/Ontario		United States
Bill of Rights	1689	1960		1789 (1791)
Youthful Offender Acts	1847 1866 1879 1901	1857 1886 1894	1888 1890-93	1870 (Boston)
Juvenile Court	15th & 16th century (Chancery Courts)		1894	1899 (Cook Co., Ill.)
Criminal Code	1885	1892		N.A. (Constitution and State Codes e.g. Mass.)
Federal Prisons	1557 (Bridewell)	1835		1891
Ticket of Leave	1840s (1853)	1899		1800s (New York)
Juvenile Delinquent Act	1908	1908	1910 1934	1870s
Reformatory Concept	1902 (Borstal)		1910-11 (Guelph)	1871 (1876) (Elmira)
Probation Act	1887 (1907)	1889	1922	1869 (1878) (Mass.)

N.B.: Some figures represent approximations.

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Section II

The Reform of Governmental Commissions:

Provincial/Federal Inquiries

In this section we analyze the attempts by Canadian government to resolve its correctional problems through commissions since Confederation. Such inquiries commissioners had rationalized the causes of crime, institutional disorder and the impediments to information since the early 1830s[1]. Their recommendations were a hybrid of foreign penal innovations, middle-class concern and moralizing, as well as of political expediency.

These inquiries were political creations in large measure, convened under public pressure in a kind of stimulus-response fashion to attempt to defuse correctional problems. It was their latent function of making criminality appear less threatening, that was one of their most important and sustaining qualities.[2]. The focus here is on major post-1867 federal and provincial correctional inquiries or commissions, specifically those from Ontario.[3]

The commissioners, in over a century, represented a transition from the self-made gentleman reformer to the medico-legal professional. While these individuals were political appointees, their mandate required them to address the causes of crime and disorder in a non-partisan fashion. Their social characteristics reveal them in the main to be an elite group; women, minorities and individuals of less dominant political and religious persuasions were underrepresented as commission members.[4]

It is further suggested that the commissioners' social status and biographies undoubtedly have something of a conservative influence on the direction of their correctional inquiries. The factors which produced successive inquiries were allegations of mismanagement and inmate abuse,

new reformative changes and institutional disorders. Such conflicts were frequently amplified by the popular media. The reforms advocated by the commissions appear to have been somewhat limited by political posturing, by the constraints inherent in the criminal justice system, and by their rather unquestioning belief in deterrence philosophy.

The first Ontario correctional royal commission after Confederation was created in June of 1877, under the chairmanship of the Hon. W. Pearce Howland, to investigate the question of labour rates at the Central Prison in Toronto. The other commissioners included James Noxon and well-known U.S. penologist Zebulon R. Brockway, who was the first superintendent of New York's Elmira Reformatory. The issue of appropriate compensation for inmate labour and the correct approach to prison industry addressed here, continued to be a primary source of contention into the modern era.[5]

The Toronto Central Prison was built in 1874 as an intermediate facility with a hard-labour programme. It had been designed to deal with offenders who were classified as inappropriate for the local gaols or the penitentiary at Kingston. The institution, while it had spawned the Prisoners' Aid Association of Toronto in its first year, was again the subject of a provincial royal commission inquiry in 1885, due to alleged abuses by the Warden.[6] The Prison had earlier received official scrutiny twice in 1877.

The commissioners determined that most of the charges were unfounded and after visiting numerous other institutions, they again echoed support for a

punitive classical punishment rationale to deter. The 1885 commissioners' views on punishment were as follows:

> In the Central Prison...., a large majority of the inmates are drunkards, vagrants and petty criminals...imprisonment furnishes but little incentive for personal restraint upon lawless and insubordinate conduct...The lives of many of these prisoners have been almost one continued revolt against law and order, and the first lesson they have to learn...is to subjugate their wills to prison authority.[7]

Punishments and privations practiced at the Central Prison in the mid-1880s, included the use of the lash, the dark cell and prolonged close confinement on bread and water.

Under the progressive leadership of J.W. Langmuir, Ontario's First Inspector of Prisons, Asylums and Public Charities, correctional reforms were incrementally made in the province. The special needs of the female offender were also recognized with the establishment of the Andrew Mercer Reformatory for Women in 1880. Female prisoners sentenced to Kingston Penitentiary were held in a special female ward until 1910, when new facilities were opened.

Mentally and disordered offenders were sent to provincial asylums between 1867 and 1880 and in particular to Rockwood Asylum in Kingston, until the Penitentiary authorities had completed separate facilities in 1881.[8] English reformer William Tallack's classic text Penological and Preventive Principles, which consolidated many new reform approaches, was also published during this period in 1888.

Continuing crime increases in the 1880s set the stage for a major Ontario correctional commission. The Commission on the Prison and Reformatory System of Ontario, chaired by J.W. Langmuir, tabled its report in 1891.[9] The commission had been given a broad mandate to investigate the causes of crime and improvement of the Industrial Schools and County Gaols, and the problems posed by youth, vagrants and the intemperate.

The commissioners, while directing their attention to specific improvements in correctional administration and having noted the limitations of the provincial goals or jails, also expressed concern for the area of crime causation and the means to deal with the "criminal classes". Comparative incarceration rates between Ontario and other jurisdictions were reviewed by the commissioners. While crime figures for the province were shown to be generally lower than for England/Wales, Scotland, Ireland and Massachusetts, the institutionalization of offenders as shown to be an internationally pervasive phenomenon.[10]

The Prison and Reformatory System Commissions discussion of the causes of crime is instructive, as through the cited work of Havelock Ellis and other related submissions, positivistic notions of the atavistic or "born criminal" emerged.[11] Ellis' text, The Criminal, had been strongly influenced by the Positive School of criminology's main proponents Dr. Cesare Lombroso and Enrico Ferri.[12] Lombroso's forensic and bioanthropological studies of Italian criminals in the 1880s, had led him to develop an evolutionary theory of criminal heredity or a kind of biological determinism.[13]

Ferri, Lombroso's student, had broadened this body of theory to include a notion of social or environmental causation in respect to criminality.[14] Such theorizing was important as it symbolized a scientific departure from the previously held notions of individual free will assocated with the Classical School of criminology. It also broadened conceptions of crime causation from behaviour simply produced by a moral failing to a kind of social determinism.

Although the commission of 1891 entertained many radical studies of a eugenic character on crime, it took a more positivistic and progressive position. The commission noted, in an early advocacy of a multi-causal approach, that inadequate familial socialization, intemperance, heredity, idleness, ignorance, material preoccupation and State neglect were all prime contributory causes of crime.[15] Its recommendation thus drew on elements of both the Positive and Classical Schools of criminology.

The Report's recommendations included the creation of Industrial Schools and the expansion of a juvenile-oriented justice system, aid to habitual drunkards, development of an inmate labour system, as well as a firming up of correctional system deterrents.[16] The commissions concern in respect to juvenile criminality led to the creation of new related legislation and perhaps the first Children's Court in North America in Toronto in 1892, under Magistrate G.T. Denison. These pioneering efforts were guided by Toronto Children's Society President J.J. Kelso.[17]

The federal correctionl facilities created in Quebec and in the West in the decades following the construction of Kingston Penitentiary, experienced certain growing pains as reflected in a series of royal commission inquiries into their administration. Commissioner Montague W.T. Drake was appointed to

investigate the affairs of New Westminister Penitentiary in B.C. in 1894. The Report noted internal intrigues and financial mismanagement. The principal offshoot was the pensioning off of Warden McBride.[18]

Three years later, Commissioner Frederick C. Wade was appointed to investigate charges which had been brought against some of the guards and offices at Stoney Mountain Penitentiary in Manitoba. The inquiry was initiated on the specific recommendation of the Minister of Justice. A thorough review of conditions suggested a variety of ameliorative reforms, which were contained in the report tabled in 1897.[19]

In the same year, another federal commission was also convened to critically review the administration of St. Vincent de Paul Penitentiary in Montreal. The commission, under James Noxon and Oliver K. Fraser, noted certain abuses by the authorities and inmates including the misappropriation and trafficing in institutional materials.[20] These and subsequent commissions, like earlier inquiries in Ontario, were periodically resorted to by government keep its correctional programmes relatively functional and to defuse public criticism.

Between 1900 and the First World War, Canada experienced social strains produced by such factors as expanded industrialization and dramatic population increases due to mass immigration.[21] In 1908 a Special Committee was formed in Ontario to investigate the subject of prison labour and the need to provide a means of productive correctional industry. Support was advanced for the Elmira New York Reformatory plan. The decision was made to dispose of the Toronto Central Prison and to assemble land to create Guelph Reformatory, which opened as a prison farm in 1911.[22] Escapes which occurred

at Kingston Penitentiary in 1912 caused considerable criticism of the Penitentiary Service, and in 1913 the Minister of Justice appointed a federal royal commission to review its administration in Kingston.[23] The 1914 Royal Commission on Penitentiaries had as its mandate to investigate Kingston Penitentiary's state and management, the conduct of its officers, and the methods of punishment and reformation employed. The educational and medical facilities were given short shift.[24] Commissioner Dr. Etherington, in particular, expressed concern over the insane and hospital wards. The positivistic or scientific treatment concerns of the commission were reflected in its twenty-three recommendations for more humane methods of correctional administration.[25]

The proposed reforms, many of which were later to be implemented, included improvded inmate classification, modernized medical treatment, and internal reorganization. Concern for improved treatment was reflected in recommendation No. 16, which proposed:

> That hosing of convicts and confining them in a dark cell or dungeon and shackling with ball and chain be abolished.[26]

The dichotomy between advocates of treatment and control was clearly drawn in the Inspectors Report of 1914. In respect to the commission's efforts, Inspectors Douglas Stewart and W.S. Hughes wrote:

> We place little reliance on the opinions of experts who are unable to distinguish between originality and plagiarism; between reform and reaction; between humanity and inanity; between sane suggestion and sloppy sentimentalism.

> The administration of penal institutions is too important to be used as the object of political caprice or for the experiments of misguided enthusiasts.[27]

During the First World War, Ontario called an inquiry into the management of the Burwash Industrial Farm. A number of complaints had been made in respect to institutional disciplines, facilities and in particular the punitive methods which officials employed. Judge Emerson Coatsworth convened the investigation in the November of 1917. The Judge determined that the farm operation was well administered, although wartime shortages were noted. Support was reaffirmed by the commissioner for corporal punishment to maintain institutional order.[28]

After the war, interest was rekindled in after-care organizations and reforms to aid in the social reintegration of ex-offenders in Canada. In 1919, the Canadian Prisoners' Welfare Association of Canada was given its official charter. In England, the Penal Reform Commission of the Society of Friends was created in 1920 and in 1921, the influential Howard League was founded.[29]

New advances were being made in this period in the scientific tradition of the Positive School of Criminology, to which commissioners became exposed. Dr. Charles Goring, in a detailed analysis of some 3,000 English convicts, had created new directions for ciminological investiation when he discredited Lombroso's "born criminal" type theory. Goring's research and that of others such as psychiatrist William Healy on delinquency in 1915, served to re-emphasize the importance of an individual's social environment, personality, and treatment in crime causation.[30] One of the first U.S. criminology textbooks, published by Maurice Parmelee in 1918, attempted to

consolidate these new approaches in crime treatment.[31]

The federal correctional system endeavoured to meet new demands placed upon it after World War I. While indictable offence rates declined the mid-1920s from a peak in 1914, institutional populations remained relatively stable.[32] In 1920, the Canadian Department of Justice appointed a committee under O.M. Biggar to consider a general revision of the penitentiary regulations.[33] The Bill which resulted, proposed an enlargement of the penitentiaries industries, clarification of administrative responsibilities, and specified the need to inform the inmates of the revised rules and regulations.

The year 1921 produced the federal Nickle Commission on the state and conduct of the Female Prison at Kingston Penitentiary. The inquiry studied the social situation of the several dozen female offenders then in the system, most of whom were short-term inmates. A single centralized correctional facility was recommended by the commission and a new 100 unit prison was begun in 1924.[34]

In January of 1926 tne Ontario government appointed commissioners A.L. McPherson and Col. W.W. Denison, both of the Provincial Secretary's Department, to investigate numerous allegations of inmate abuse at the Industrial Farm for men at Langstaff and at the Women's Farm at Concord. These facilities were then jointly run by the City of Toronto and the province. The Superintendent of Langstaff Farm was specifically charged with malfeasance for having amended inmates sentences and for showing favouritism. The commissioners concluded the Superintendent was guilty of

these and related charges and his dismissal was advocated.[35]

In December of 1927 Ontario again was forced to created an gaol inquiry under County Court Judge Arthur T. Boles in London. The impetus for the investigation was the notoriety received by numerous inmate escapes from the London Gaol in the same period. Judge Boles in the course of his scrutiny, found the facility's locks to have ben insecure, that searches and classification procedures were inadequate, and that the Chief Turnkey and Gaoler were negligent in the conduct of their duties. Improvements of internal security procedures at the gaol were the principal focus of the recommendations made.[36]

The Province of Ontario, in an attempt to consolidate the position in the vanguard of social welfare reform, as reflected in its many reform inquiries, appointed the Royal Commission on Public Welfare, which reported in 1930.[37] The commission mandate was broadly-based and it examined hospitals, mental institutions, child welfare, houses of refuge, and correctional facilities. The specific impetus for the creation of the commission appears to have been the need to better integrate provincial social welfare services and to combat marked increased in crime. The concern was raised with the "occupation" of inmates of the provinces jails and mental hospitals, as the commission proclaimed that idleness only fostered problems and lawlessness.[38]

The Ontario Commission on Public Welfare proposed numerous correctional reforms, including the explansion of probation programmes, improved jail classification of inmates, and a reorganization of correctional facilities, in addition to a "full-time hard labour" regime in provincial jails to

deter offenders.[39] A relationship was also advanced by the commission between criminality and heredity, following an American trend in the 1920s. The Commission Report's discussion of the issue of sterilization, exposed a darker side to crime theorizing of the 1930 period. The commission actually proposed a eugenic solution for criminals and mental defectives, as then practiced in Alberta, California, and in several other U.S. States. The Commission observed in this respect that:

> Elaborate statistics in the case of Ontario, as of all civilized communities, indicate that a great part of crime and prositution is due to heredity or to mental deficiency; and consequency probably the greatest part of human misery. Inevitably a question arises why an immoral defective or an immoral criminal should be free to propagate more defectives or more criminals, thus promoting the burden of misery with which the community endeavours to cope. Your Commission recommends that some endeavour be made by legislation to lessen the amount of evil which is certainly promoted by unchecked sexual freedom of criminals of defectives who have a record of immorality.[40]

Thus, it appears that earlier biological notions of crime causation retained currency well into the positivistic and treatment-oriented correctional era in Canada.

Although serious institutional disturbances or allegations of negligent administration provided the impetus for most commissions of inquiry, a federal investigation was called into a case of slander. The party who had been allegedly abused was the Hon. Agnes MacPhail, M.P., a leader in female aftercare movement. Mr. J.D. Dawson, Inspector of Penitentiaries, was accused of making negative statements against Ms. MacPhail at Kingston

Penitentiary in the presense of an inmate. But such claims veracity left doubts in the investigator's minds.[41]

While with improving social conditions in late 1930s the crime rate began to stabilize, liberalized treatment regimes continued to be tested by both inmates and "old school" or traditionalist correctional practitioners. On January 17, of 1937, a riot broke out at the Ontario Reformatory at Guelph. Various fires were started by the young offenders, buildings were wrecked, escapes made, and several guards were wounded. An Ontario Royal Commission was appointed under Judge James Madden, and in its Report he noted that institutional discipline had been lax and that due to the Superintendent's loss of the right to use corporal punishment, no effective deterrent had thus existed.[42] This riot had taken place like earlier federal disruptions in a era of correctional change and unrest in North America.

Federal correctional institutions in this period experienced major internal problems, as no less than twenty riots and disturbances occurred in the eleven years prior to the creation of the Archambault Commission of 1938.[43] These events in no small way provided a catalyst for the commissions later major reassessment of Canadian corrections. All seven federal penitentiaries were beset by disorders, some of which involved major acts of arson, fatal shootings, and mass refusals by inmates to work.

One of the more serious riots occurred by Kingston Penitentiary in October of 1932. It developed around a planned peaceful inmate demonstration, which then frustrated by the administration got out of hand. The inmates involved in these actions were sentenced in many instances to corporal punishment and stiff additional terms.[44]

An interesting aside of the Kingston riot of October 17, 1933, was the apparent attempted shooting of inmate Tim Buck. After the aborted demonstration was broken up, another minor disturbance began on the evening of October 20th. Buck, the former head of the then outlawed Communist Party of Canada, had several shots fired into his cell while he remained inside. The subsequent investigation by the penitentiary's Inspectors and the Superintendent of Penitentiaries, General Ormond was only cursory and a subsequent investigation by the later Archambault Commission revealed a less than thorough review had taken place.[45]

The Minister of Justice thus appointed Mr. Justice Joseph Archambault in the Spring of 1936, to comprehensively investigate these and other related correctional matters. The Royal Commission to Investigate the Penal System of Canada was to prove to be the watershed of the modern era of correctional reformism or reform policy in Canada.

The Archambault Commission Report specifically noted that the senior administrative officers of the Penitentiary Service had not adequately handled their responsibilities. During this major period of social change and correctional unrest, it was observed by the commission that two of the three federal Inspectors of Penitentiaries had no related background and experience.[46] General D.M. Ormond, Superintendent of Penitentiaries had come to the post from a military background and his immediate retirement was advised. The definitive and negative imprint of such a personality on correctional policy is reflected in a press account of the period:

> The Report recommended the immediate retirement of General D.M. Ormond, Superintendent of Penitentiaries, who, ...had failed to grasp the fundamental principles of penal administration and had intensified militaristic control of penitentiaries. Riots and disturbances, it stated, had marked his régime. The Report of the Superintendent on the Kingston riot of 1932, it described as "misleading and an attempt to justify what had taken place."[47]

The commission expressed its desire at the outset of its Report that both societal protection and the prevention of crime were to be its paramount objectives. That harsh deterrence doctrine had failed was exemplified by the commission's special study of criminal recidivists. Data developed by the commissioners showed that between 1925 and 1935, those convicted of three or more indictable offences increased 143 per cent.

An additional related study of 188 recidivists, 83 per cent of whom were born in Canada, showed that total conviction and maintenance costs per inmate were $25,453. The Report indicated that the chief causes of such recidivism were:

1. The absence in Canada of an adult probation system providing for the release of offenders under supervision;
2. Contamination of young offenders in jails, reformatories, by coming in contact with degeneate and experienced criminals;
3. The failure of the prison system of Canada to give proper weight to the importance of reformative treatment of prisoners;
4. The appointment of staff without training or capacity to fulfil other than mere custodial duties;
5. The antagonistic attitude of society toward a person who has been convicted of crime, and the absence of any well-organized scheme of rehabilitation of prisoners in Canada.[48]

The Archambault Commission placed a genuine faith in the important aftercare agency role to be played in offenders' reformation upon release from prison. The range of such Canadian agencies involved with the 1938 Commission are shown in Appendix 3. The Commission Report noted the positive efforts made through the centralization of after-care services in England, by the Central Discharged Prisoner's Aid Society in the 1920s. The English innovation of "Unofficial Prison Visitors", extended to men's prisons in the same period were also admired and changes in this direction were recommended.[49] The positivistic treatment orientation of the commission is most evident in its holistic approach to the criminal justice system, and in its realization that corrections and the public as well as the offender must be resocialized to accept change.

With the appointment in 1946 of Major-General Ralph B. Gibson as Commissioner of Penitentiaries for Canada and Joseph McCulley as Deputy-Commissioner, the federal government renewed its concern for progressive correctional reform and after-care. Commissioner Gibson was given the mandate of reviewing the progress made in Canada in respect to the recommendations of the Archambault Commission of 1938. In his Report issued in 1947, he noted that while specific advances had been made in respect to inmate privileges, recreation and remission benefits, recommended improvements in offender classification and treatment had yet to be fully achieved.[50]

The Commissioner was a firm believer in the after-care movement in Canada and worked with its leaders, such as J. Alex Edmison, to effect is advancement. Commissioner Gibson's report specifically addressed this aspect

of correctional reform, in that it issued instructions to penitentiary personnel to co-operate fully with after-care societies to better ensure inmate success upon discharge.[51]

While the relationship between crime theory and correctional practice has traditionally been rather lagged, theories developed abroad in the pre-World War period which came to have an impact on the direction of inmate treatment in Canada. The work of Sigmund Freud and his later followers had led to a greater medical treatment concern within the institution for the inmate's personality and his socialization experiences. Sociologist Robert K. Merton, in 1937, in his classic elaboration of Emile Durkheim's anomie theory, developed a socio-structural theory of crime causation. Merton noted that there was a disjunction between general societal goals and the means which many possessed to achieve them, and the result of this conflict was deviant and criminal conduct.[52]

In 1939, U.S. criminologist Edwin H. Sutherland had advanced his "differential association" theory of crime which viewed such behaviour as learned within a criminogenic social environment or subculture.[53] Such sociopsychological theories provided a continued rationale for scientifically-based treatment models for correction, both in the institution and in the broader social community in the following decades.
Numerous other provincial correctional commissions were created in this general tradition of reformism, such as those of Nova Scotia in 1933, Saskatchewan in 1946, British Columbia in 1950, and New Brunswick in 1951.[54]

A series of daring escapes made from the Toronto Don Jail in 1952 by various members of the notorious Boyd Gang, were the cause for convening another provincial inquiry. After the second escape which created

considerable public pressure, an Ontario commission was appointed under Judge Ian MacDonnell.[55] While jail security was found to have been rather lax, the institution overcrowded and staff morale low, the recommendations made probably reflected conditions prevalent in most urban jails of the period.

A major riot erupted at the Onatario Reformatory at Guelph in July of 1952, in the wake of similar uprisings in U.S. prisons, and it provided an effective catalyst for another Ontario correctional commission in 1953.[56] The riot by the young inmates led to major acts of arson, violence, and mass escapes. The authorities maintained that the riot was the result of the "molly-coddling" of the inmates at the institution, as the Superintendent had lost the right to impose corporal punishment and this was known to the inmates.[57] the result of the subsequent investigation revealed the continuing split between treatment and custody oriented correctional personnel.

In April of 1953 an Ontario Select Committee was appointed to investigate prison security, discipline and the conduct of the correctional system in general or the "Ontario Plan".[58] The Committee Report reflected a basic belief in a classical "punishment corrects" philosophy. It observed that the general ethos of provincial corrections was indecisive:

> The result is a hiatus between theory and practice in neither punishment is imposed nor reformation induced to any effective degree...[59]

Their review of imprisonment statistics also showed a heavy resort to incarcration. In Ontario the ratio of those imprisoned to general population

was 1 per 175 population, while in England it was 1 per 1,259 population.[60] The eleven-member Committee also expressed the view that the provincial ministry's title of "Reform Institutions" was something of a misnomer, due to their lack of overall impact on inmate reformation.

In a continuing attempt to review the reform progress of previous inquiries, the federal government appointed a commission to review the procedures of the Remission Service. The commissioners took the initiative to effectively broaden their mandate to create a more comprehensive correctional review. The Report of the Committee appointed to study Canada's Remission Service was headed by Mr. Justice Gerald Fauteux and it tabled its Report in April of 1956.[61] Three years earlier the Remission Service had provided grants to after-care agencies to provide parole supervision. The Fauteux Commission addressed the issue of remission within its broader view of the problematic character of the criminal justice system:

> Our investigations have convinced us that what is required is not merely attention to some matters of minor detail in the correction field, but rather concerntrated attention to many matters of fundamental principle. Improvements in correction facilities in Canada have lagged far behind those in the other social sciences. In appears to us that the factor chiefly responsible for this state of affairs has been a continuing lack of public interest in the subject which, at times since Confederation, has amounted almost to apathy.[62]

The commission recommendations led to the creation of a national parole board, a more extensive use of adult probation, treatment-oriented reforms for young offenders, better correctional system integration, the development of treatment programmes, and improved after-care.[63] The commissioners' faith in the ticket of leave programmes appeared justified; data revealed that

revocations and forfeitures as a percentage of total leaves granted for the years 1950 to 1955, was less than 4%, and the overall recidivism rates were relatively low (Table 4).

The "Calderswood Conferences", staged in Kingston, were an important series of meetings held between the federal and provincial governments and after-care agencies between 1954 and the late 1950s. They were designed to better integrate remission services and were favourably noted by the commission.[64] Mr. J. Alex Edmison, one of the charter members in the Canadian after-care movement, also played an active role on the Fauteux Commission.

In June of 1966, the Canadian Senate and the House of Commons formed a Special Joint Committee to again reassess the state of federal corrections. The proceedings carried over into 1967 and over their term the Committee members interviewed leading justice authorities such as Mr. Justice Ouimet, Penitentiary Service officials, members of the Canadian Corrections Association, W.A. Brister, Borstal Governor, senior correctional staff, and prison architects.[65] The Special Joint Committee's purpose was seemingly to oversee the future development of the Penitentiary Service and related reforms, prior to the completion of the comprehensive Quimet Commission in 1969.

In 1969 the Canadian Committee on Corrections under the Hon. Mr. Justice Roger Quimet tabled its Report.[66] The Committee had been formed initially in 1965 to study all phases of the Canadian criminal justice system. Through a series of meetings, interviews, briefs, conferences, and special studies, the Committee followed the investigative lead of the earlier Archambault and Fauteux Commissions.

Table 4

INCIDENCE OF RECIDIVISM OF PERSONS RELEASED ON TICKET OF LEAVE, 1950–1955

	1950	1951	1952	1953	1954	1955	TOTAL
TICKETS OF LEAVE GRANTED (a)	924	754	756	825	904	1,309	5,472
INSTANCES AND RATE OF RECIDIVISM:							
1) Revocation	12	14	19	8	8	28	89
%	1.29	1.85	2.51	0.96	0.88	2.13	1.62
2) Forfeiture	24	15	27	29	28	39	162
%	2.59	1.98	3.57	3.51	3.09	2.97	2.96
3) Subsequent Sentence to Provincial Institution	154	108	84	93	57	16	512
%	16.66	14.32	11.11	11.27	6.30	1.22	9.35
4) Subsequent Sentence to Penitentiary	53	41	50	51	23	10	228
%	5.73	5.43	6.61	6.18	2.54	0.76	4.16
TOTAL	243	178	180	181	116	93	991
%	26.29	23.60	23.80	21.93	12.83	7.10	18.11

1.—(a)—see footnote Table VIII.

2.—NOTE: (a) *Revocation* refers to a person who violated the conditions of his Ticket Leave and was returned to prison to serve the remanet of his sentence.

(b) *Forfeiture* refers to a person who, while on Ticket of Leave, was convicted of an indictable offence and was returned to prison to serve the remanet of his original sentence, in addition to the new sentence imposed for the new offence.

(c) *Subsequent sentence to provincial institution* refers to a person who successfully completed his Ticket of Leave, but was later convicted of a new offence and sentenced to a provincial institution.

(d) *Subsequent sentence to penitentiary* refers to a person who successfully completed his Ticket of Leave, but was later convicted of a new offence and sentenced to a penitentiary.

Source: Canada, Report of a Committee Appointed to Inquire Into the Principles and Procedures Followed in the Remission Service of the Department of Justice of Canada, Ottawa, Queens Printer, 1956, Chapter XV, Table IX, p. 100.

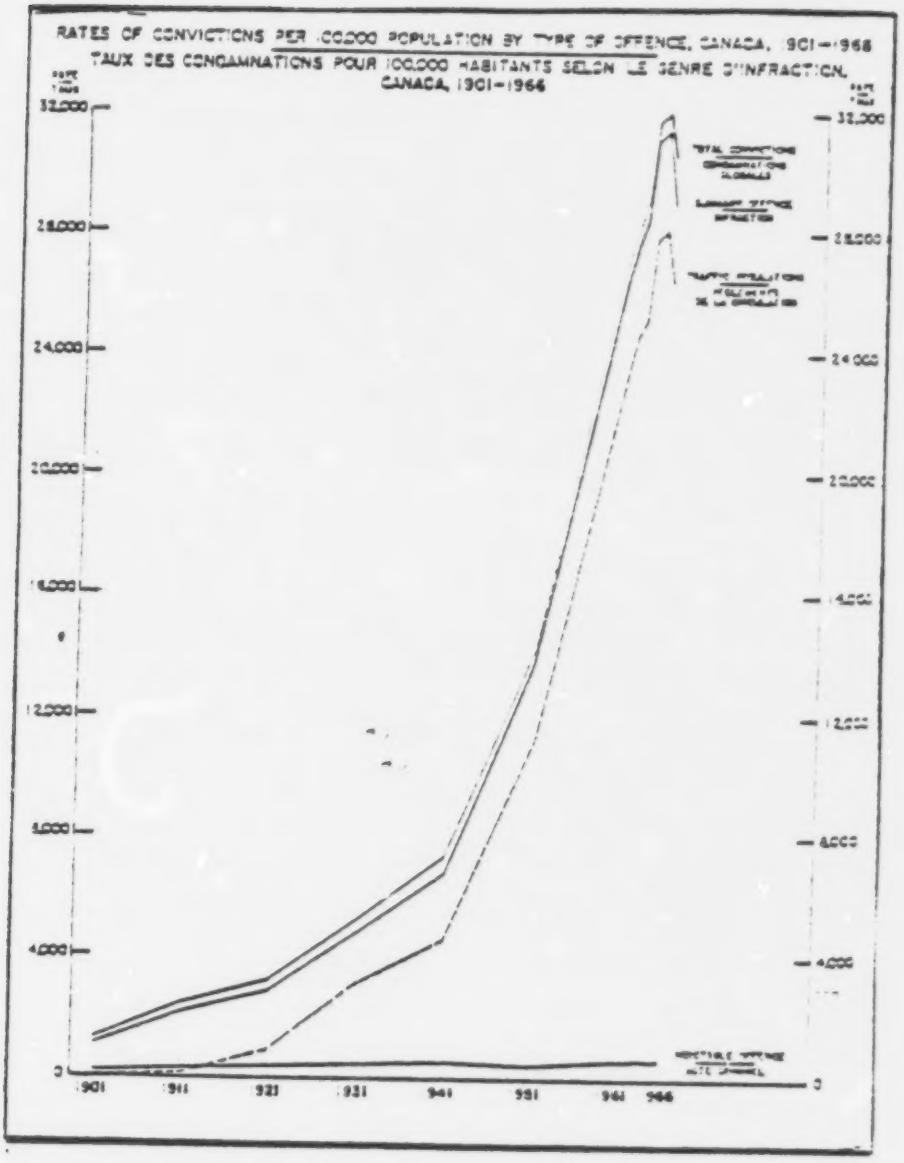
The Report took note of a number of related provincial commissions and inquiries of the period including the Ontario McRuer Commission, the Quebec Prévost Commission and the Alberta Penology Study.[67] The Canadian Committee on Corrections was, as its formal title implied, concerned with the "unity" and better integration of all aspects of criminal justice.

The role played by justice and after-care agencies in the research was considerable as reflected by the detailed briefs and submissions received by the Committee.[68] Changes in the historical incidence of crime in Canada was measured by the Committee as a principle index of justice administration. It was noted that total convictions for all offences had risen from 42,148 in 1901 to 4,066, 957 in 1965, or a twenty-five fold increase expressed in the rates per 100,000 population of 16 years or older.[69]

This increase was less alarming than it might have initially appeared though, as 98% of the total increase was for less serious summary offences (Table 5). Canadian indictable offence rates had also continued to rise, however, since the early 1950s and they had surpassed the earlier major peak experienced in the late depression 1930s by 1963 (Table 6).

The correctional philosophy articulated by the Quimet Committee was one of societal protection, but also one which recognized the need to restrict the potential overreach of the criminal law. Yet the implicit policy direction taken for Canadian corrections in the Report, was one which eclectically adopted both deterrence and "social rehabilitation" as equally valued goals.[70] Their recommendations covered the areas of arrest and bail, legal represenation, the courts, sentencing, the dangerous and disordered offender, probation, parole, after-care, criminological research and justice policy planning. The special problems produced by a lack of criminal law

Table 5

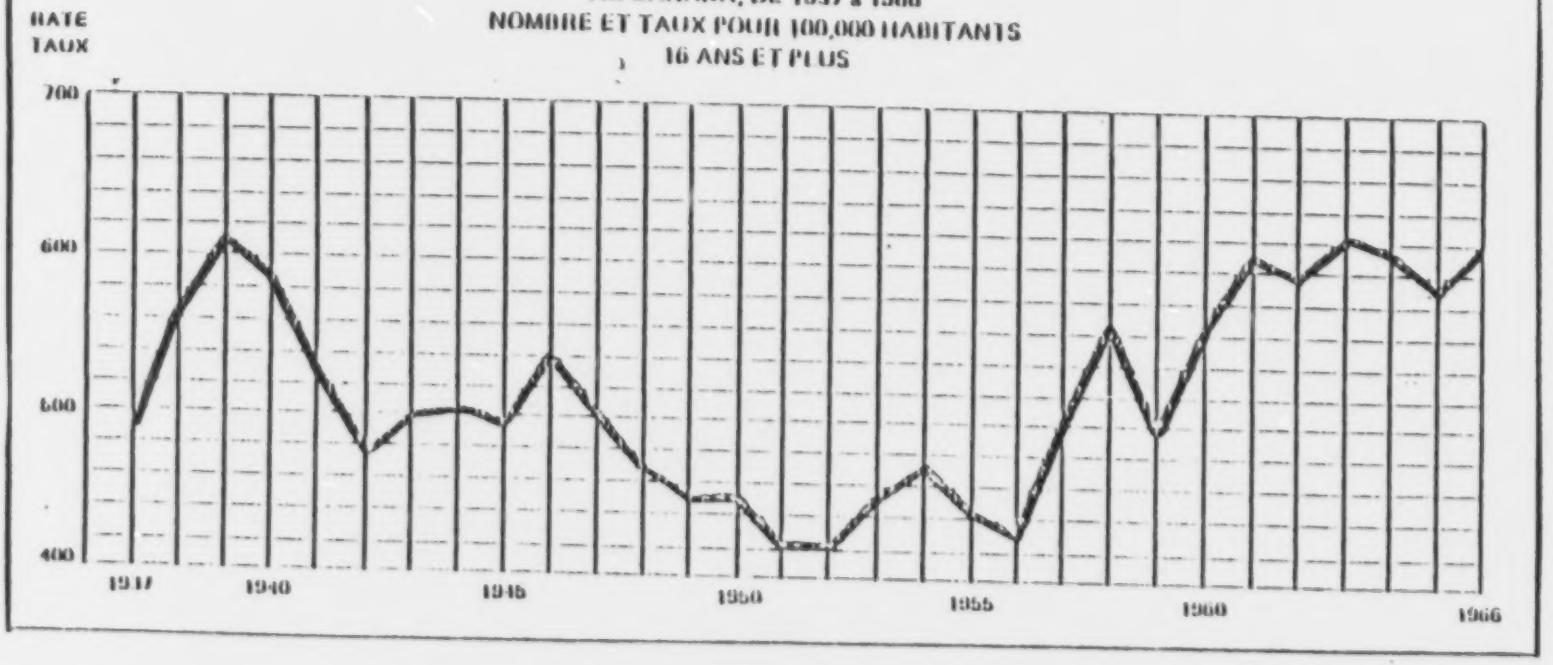


*Source: Canada, Report of the Canadian Committee on Corrections, Ottawa: Queen's Printer, March 31, 1969, Chapter 3, p. 24, Figure 1.

Table 6

CONVICTIONS FOR INDICTABLE OFFENCES
CANADA 1937–1966
RATES PER 100,000 POPULATION
16 YEARS AND OLDER

CONDAMNATIONS POUR ACTES CRIMINELS
AU CANADA, DE 1937 à 1966
NOMBRE ET TAUX POUR 100,000 HABITANTS
16 ANS ET PLUS



*Source:

Canada, Report of the Canadian Committee on Corrections, Ottawa; Queen's Printer, March 31, 1969, Appendix F, p. 471, Figure F-1.

reform, by traditional sentencing patterns and the young offenders were also highlighted by the Committee's Report.

In 1971 a working group was begun to assess the issue of the accommodation of maximum security inmates. The Mohr Committee Report tabled in the same year contained nearly two dozen recommendations. Its main thrust was on the underlying need for adequate inmate rehabilitation, to be developed within relatively small living group facilities. These recommendations were later adopted by the Canadian Penitentiary Service in their 5-year plan.[71]

A series of "disturbances" which occurred in April of 1971 at Kingston and Millhaven Penitentiaries, resulted in the creation of the federal Swackhamer Committee. Their report issued a year later, noted that too great an emphasis had been placed on custody, clearly to the deteriment of offender rehabilitation. The obvious gap between the central objectives was specifically addressed in the Committee's recommendations.[72]

Other federal groups and inquiries were created in the mid-1970s, they principally included those under F.C.R. Chalke, William Outerbridge, and James Vantour. These initiatives respectively addressed the delivery of psychiatric services to inmates, the need for community-based residential centres to facilitate offender rehabilitation, and the specific requirement for the use of dissociation or separate inmate incarceration.[73]

Several provincial commissions were appointed during this decade in order to better maintain regional criminal justice systems. Newfoundland tabled a report on provincial justice administration and community-based corrections in 1973.[74] In 1974 Ontario called its own royal commission

inquiry into the Toronto Don Jail as a result of well publicized accounts of the existence of a "good squad" at the Jail and other alleged related abuses. The commission had a broad mandate to investigate inmate allegations, jail administration, and the issue of correctional training.[75]

An inmate survey done by the Ontario commission showed the Don Jail inmates were in the main, younger, militant, and better educated offenders, who were less prepared to have their security and civil rights held in abeyance.[76] The commission's recommendations included improved rules and regulations, staffing and treatment upgrading, a modification of handling and classification procedures, the closing of the older portion at the institution, and the removal of unsatisfactory personnel.[77] The initial allegations had ironically been brought forward by a former correctional officer.

Despite these conscientious efforts at government, violence again flared up in a number of federal institutions in the mid-1970s.[78] The MacGuigan Commission on the Sub-Committee on the Penitentiary System in Canada was created in 1977, specifically to address this unrest and to consider future policy directions.[79]

The Sub-Committee Report succinctly summarized the scope and nature of institutional conflict:

> Seven years of comparative peace in the Canadian Penitentiary System ended in 1970 with a series of upheavals (riots, strikes, murders and hostage-takings) that grew in numbers and size with each passing year. By 1976 the prison explosions were

> almost constant; hardly a week pased without another violent incident. The majority were in Canada's maximum security institutions. In the 42 years between 1932 and 1974 there were a total of 65 major incidents in federal penitentiaries. Yet in two years - 1975 and 1976 - there was a total of 69 major incidents, including 35 hostage-takings involving 92 victims, one of whom (a prison officer) was killed. ...The eruption and violence were born of anger, frustration and oppression within the tight and unnatural confines of prison over unresolved grievances, transfer, harassment and provocation described by both sides (staff and inmates in adversary attitudes) as "mind games".[80]

The situation which confronted the Sub-Committee was one in which despite of escalating support costs, improved facilities, and programmes, reformation and system stability was paradoxically questionable. The Sub-Committee Report placed the central responsibility for reform on the offender, but in so doing it indicated a need for greater "justice within the walls":

> Only the wrongdoer can bring about reform in himself, since he is responsible for his own behaviour; but the pentitentiary system must be structured to give positive support to his efforts by providing certain essential conditions: discipline, justice, work academic and vocational training, and socialization...
>
> The Report of Law must prevail inside Canadian penitentiaries.
>
> Justice for inmates is a personal right and also an essential condition of their socialization and personal reformation. It implies both respect for the persons and property of others and fairness in treatment. The arbitrariness traditionally associated with prison life must be replaced by clear rules, fair disciplinary procedures and the providing of reasons for all decisions affecting inamates.[81]

The Report observed, as had earlier commissions, the questionable wisdom of simply institutionalizing or containing crime as opposed to better specifying positive alternatives:

> Many expert witness testified that if Canada builds prisons, those prisons will be immediately filled. Conversely, if alternatives for prison can be found for the majority, who are not dangerous, some of the existing buildings will be emptied. Thus, before extering into a multi-million dollar construction program, less costly, and more productive alternatives should be introduced.
>
> Probation and parole, done conscientiously with through preparation and planning for the offender in society, is the most effective and least costly part of the correction system.[82]

The MacGuigan Sub-Committee, while recognizing the constructive efforts of agencies such as the John Howard Society and Elizabeth Fry Societies and the need for Citizen Advisory Committees, also noted the potential for outside group activist disruptions.[83] It made some 65 recommendations which attempted to clarify the purposes of imprisonment, the demands and responsibilities of correctional personnel, the role of organization and administration, internal security and justice, vocational endeavours, treatment, inmate socialization and future policy directions.[84] The logical future fole of imprisonment was also clarified by the Sub-Committee, it was seen as a useful tool only in so far as "its purpose and limitations are clearly understood."[85]

The Report also commented on the role of the inmate subculture, whose perverse sense of solidarity would have to be overcome in order to effect any

real rehabilitation on an individual level in federal corrections:

> Under the domination of the strongest and most threatening of the inmates or "wheels", the prison society is devoted to four main ends. First, of ocurse, comes self-preservation. After that, in no particular order, are: the maintenance of a system of control which, although we cannot dignify it as "justice", is a rudimentary form of law in accordance with prison norms and reflects a considerable preoccupation with maintaining inmate solidarity through intimidation, vengeance and vendettas; the obtaining of production and distribution of amenities - usually drugs or alcohol - for the inmate community;[86]

Aside from a few pioneering U.S. and Canadian studies on the inmate subculture and its role in producing a "society of captives", relatively little is known about this traditional impediment to correctional reform.[87]

In the 1970s and early 1980s, governments continued to plan new facilities and to create modifications in existing institutional relationships. Canadian criminal justice authorities developed many constructive new reforms such as diversion schemes, substantive criminal law amendments, extended after-care, sophisticated new research programmes, and restitutive sentencing dispositions. The fundamental conflict between theory and practice and deterrence versus rehabilitation postures, continues, however, to present a Sisyphian challenge. These conflicts will be specified and analyzed further in Section V.

In summary, we have shown that Canadian correctional reform was advanced for over a century through the use of the governmental commission. In simplest terms, these bodies were convened to manage tensions produced by the

accelerated pace and direction of social change. They presented an opportunity for scientific inquiry, social policy review, and a means for legitimating innovations tried elsewhere.

That their basic deterrence policy had failed significantly to reform the criminal, became more than evident by the early 1900s, yet the faith in the doctrine remained strong. One is left with the impression that many of the commissioners felt that it had not yet been made swift, sure and scientific enough in its application.

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SECTION III

Volunteers in Corrections: Reformers and Agencies

Volunteers in Corrections: Reformers and Agencies

In this section we trace the growth of volunteer and other correctional after-care agencies in Post-Confederation Canada, from the movement's early formal roots in England in the mid-1800s. A prime impetus for the development of these after-care agencies such as the early Prisoners' Aid Societies, following in the penal reform tradition of John Howard, was the larger social reform crusade which burgeoned in the 19th century.

The characteristic ethos of the after-care movement appears to reflect a number of contrasting elements, including both idealism and pragmatism in its social philosophies, elitist and grass-root participation, and also conservatism and innovation in its policy directions. Yet the tangible contributions of the indigenous movement are shown to have produced significant advances in the area of correctional reform, considerably in excess of its relatively limited resource base and in the face of vacillating levels of private and government enthusiasm. Such advances were achieved in large measure, through the dynamic leadership of particular reformers.

The earliest beginnings of Canadian social welfare agencies date from the period of New France, where Catholic parish charities provided their communities with a variety of basic social services.[1] The Maritime Provinces as well had created a Poor House system with overseers to sustain both the needy and the indolent.[2] The Province of Ontario, however, showed a progressive and early specific commitment to the prisoners' aid movement. While early programs were religious in character such as the Sunday School at the Toronto Don Jail in 1867, by 1878 a charter for a more broadly-based Prisoners' Aid Association of Canada had been established.

The efforts of John Howard, Elizabeth Fry and other correctional reformers had shown that incarceration alone was inadquate to effect positive offender reformation. Their early attempts to foster reform and after-care programs led in time to a more formalized movement, which began in earnest in England in the 1840s and 50s. By 1860, female inmates leaving England's Fulham Prison could apply to an after-care home run by the Prisoners' Aid Society.[3] These agencies, called Discharged Prisoners' Aid Societies, were assisted by passage of a formal Act in 1862. In 1863, the Reformatory and Refuge Union called a conference of all societies in England to establish a central committee.

The first conference of such Discharged Prisoners' Aid Societies was held in 1871.[4] It was only three years later in 1874, that the Prisoners' Aid Society of Toronto was formed to assist prisoners from the Toronto Central Prison. It was a voluntary, non-denominational organization which developed with subsidies from the earlier Toronto Jail Mission, which itself had commenced in the mid-1860s.[5] The influential Howard Association in England had also begun earlier in 1866, under penologist William Tallack.

By 1890, the Salvation Army had begun its Prison Gate Home for derelicts and ex-offenders in Toronto under Brigadier W.P. Archibald. In the following year, a Canadian Penal Convention was held in Toronto under the sponsorship of the Prisoners' Aid Association of Canada. In 1892, the beginning of the John Howard Society of Montreal was created by French and English volunteers associated with the Anglican Church. It had been noted by reformer S.H. Blake, Q.C., some years earlier, that such public opinion and support was a key element in successful correctional reformation:

> "It is all very well to talk about reforming the prisoner. My friends, we have to commence away back of reforming the prisoner; we have to reform public opinion, on this quesion. There is where we have to begin. Next, we have to reform our sheriffs, to reform our jailers, and to reform our jails; and then we shall have a better hope of reforming the prisoners."[6]

With the growth of urban centres, such as Toronto, in the later 1880s, volunteer social service and social work agencies proved inadequate and these were replaced first by the Associated Charities until 1912 and then by the Social Service Commission.[7] It was such agencies which met the needs of offenders' families during periods of the principal's incarceration.

The Prisoners' Association of Canada continued to pursue its concern with funding and prison reform with the federal government during the period 1891 to 1894. Briefs were submitted by the Association which followed the direction of the 1891 Ontario Prison and Reformatory Commission, whereby the Dominion government was petitioned to extend to the province expanded powers over youth reformatories and after-care provisions.[8] A Canadian Penal Convention had been held by the Prisoners' Aid Association of Canada in Toronto in 1891, attended by representatives from all churches and some thirty-two other public groups and organizations.

Reformer Alfred E. Lavell, writing on the nature of the Canadian "prison problem" some years later in 1901, emphasized the need for a policy of reform not then in place. Lavell stated the task of a sound correctional policy:

> It holds, therefore, that punishment is not proper in all cases. The more imbecile, the confirmed inebriate, and other similar cases should be treated for the disease they clearly hae. Many law-breakers there are, too, who should be held under the authority of the prison, but should serve little or no time in prison.
>
> Modern penology holds, further, that when imprisonment is necessary it should be firm, serious, and in no sense pampering; but on the other hand, that all the surrounding of the prisoner should give stimulus to, and hope of, reformation, at least as strongly as it is designed to cause sorrow for crime committed.[9]

During this period, Dr. A.M. Rosebrugh, Secretary of the Toronto Prisoners' Aid Association, and his collegues, continued to press various levels of government for greater support for correctional reform.

The Toronto Congress of the National Prison Association, held a decade earlier in 1887, revealed the yeomanry service the Prisoners' Aid Association had made over this period to advance the cause of correctional reformism. In his Address on "Discharged Prisoners," W.H. Howland, the Mayor of Toronto, enumerated the detailed services provided by the Prisoners' Aid Association:

> I want to tell you now of the results. The Prisoners' Aid Society of Toronto has not kept complete statistics until 1884. Taking the four years, 1883-1886, we dealt in this city with 2,949 prisoners discharged form the jail, the Central Prison, and the French Reformatory. Just think what a mass of people that is for one little society to deal with! That, of course, could not be over one-third of all those who have gone through our prisons; but it is a very large number. Leaving out the year 1883, for which we have not complete returns, in the remaining three years we dealt with 2,221. In 1884, we got work for 384; in 1885 , for 311; in 1886, for 146; making a total of 841, out of the 2,221. (Applause.) That is an awful lot of people to find employment for. We gave tools, in that time, to 170. We paid railway far for 102, and in a great many cases they were going home to work.[10]

The rehabilitation role played by the Prisoners' Aid Association of Toronto from 1885 to 1894 was quite remarkable. The Prisoners' Aid Association, through its volunteers and a paid agent, provided food, clothing, accommodation, loans and travel assistance to former offenders. While these services tended to decline gradually their potential reformative impact cannot be underestimated (Table 7).

Reformism in corrections in the United States and Canada had been well advanced by the Prisoners' Aid Associations and other correctional organizations by the advent of World War I. The range of such groups functioning in North America between Confederation and 1914-1918 is shown in Appendix 7. However, it appears that the Prisoners' Aid Association of Toronto had become inactive by 1915.[11] The decline of non-governmental

TABLE 7

AID GRANTED TO PRISONERS BY THE P.A.A. 1885-1894

YEAR:	1885	1886	1887	1888	1889	1890	1891	1892	1893	1894
Work found for:	384	311	291	301	319	181	174	123	71	120
Prisoner's families aided:	n/a	40	37	43	71	84	140	75	26	25
Articles of furniture given:	98[a]	105	93	98	39	32	21	81[a]	n/a	1
Rent paid for:	24	33	21	14	9	14	18	15	4	1
Articles of clothing given:	339	428	362	374	193	226	160	183	50	222[b]
Number given tools and materials:	59	33	24	31	33	40	52	26	4	9
Fares paid: (Rail)	29	39	28	17	26	40	72	51	31	21
Number of meals given:	280[d]	1066	2118	2835	4141	n/a	n/a	n/a	n/a	229[d]
Lodgings given to:	230	300	547	925	1344[c]	n/a	n/a	n/a	n/a	n/a
$ Loaned:	$522	$593	$615	$304	$313	$250	$338	$167	$42	$26
$ Repaid on loans:	$417	$507	$518	$222	$219	$240	$204	$115	$37	n/a
Total number assisted by P.A.A.:	725	841[a]	673	715	723	761	796	506	171	457

Source: Compiled from *Reports*, 1886-95

a Number of families given to
b Clothing given to
c Nights of lodging given
d Includes lodgings

[1] Donald G. Wetherell, "To Discipline and Train: Adult Rehabilitation Programmes in Ontario Prisons, 1874-1900", Histoire Sociale-Social History, Vol. XII, No. 23 (May 1979), Table 1, p. 163.

prison reform groups during this period can likely be attributed to such factors as shifting national social service priorities, a decline in available manpower and funding, and the rise of paid government social work professionals. The University of Toronto's School of Social Work had opened in 1914.

In 1928, General D.C. Draper, Chief of Police in Toronto, having raised the issue of after-care of released prisoners at the annual meeting of the Chief Constables' Association of Canada, responded to the problem by calling for the creation of concerned citizens' committees. Rev. Gilbert Agar of the Community Welfare Council of Ontario aided in bringiing together church organizations and other groups, which led to the creation of the Citizens' Service Association under Director Rev. W.A. McIlvoy in the Spring of 1929. The group later changed its name to the Prisoners' Rehabilitation Society in 1935 and was the forerunner of the later John Howard Society of Ontario.

In 1931, the John Howard Society of British Columbia was established, it being the first to use the official name designation. It was directed by Rev. J. Dinnage Hobden. In the same year, largely through the considerable efforts of John Kidman, the original Prisoners' Aid Association of Montreal, and the Canadian Prisoners' Welfare Association were merged under the name Montreal Prisoners' Aid and Welfare Association.[12]

The cause of national correctional reform was again advanced through the proceedings of the First Canadian Penal Congress, held in Montreal in 1935. In the same year, a federal Royal Commission was convened to investigate alleged abusive comments made by J.D. Dawson, Inspector of Penitentiaries, in respect to Miss Agnes MacPhail, M.P.[13] Miss MacPhail, Canada's first female M.P., had made crusading early efforts to advance penal reform in Canada and in 1951, through the First Unitarian Congregation of Toronto, she helped to found the Elizabeth Fry Society of Toronto for female offenders.

The 1935 Canadian Penal Congress had been organized by John Kidman and his associates and it attempted to bring together individuals involved in corrections, judicial officials, and social workers. The resolutions adopted by the Congress included the recognition of a need for the creation of special Borstal-type institutions for young adult offenders, a demand for a probation service and government subsidies for prison after-care networks.[14]

After the Second World War, the attention of government and private agencies returned to domestic social problems. In the private sector there was an expansion of the after-care movement. In 1946, the Toronto Prisoners' Rehabilitation Association was renamed the John Howard Society of Ontario, under the dynamic leadership of J. Alex Edmison, Q.C. Edmison served as Executive Director of the John Howard Society of Ontario and as President of the Canadian Penal Association. As a result of his efforts, numerous John Howard Societies came into being during the following decade.[15] The Canadian Welfare Council had created a special crime and delinquency division somewhat earlier in 1944; as well, Canada's first Elizabeth Fry Society for female offenders had begun in Vancouver in 1940.[16] The Second Canadian Penal Congress was also held in Windsor in 1946.

As a direct result of federal Commissioner of Penitentiaries R.B. Gibson's efforts, the first grants were made to help sustain and expand provincial after-care agencies. The Canadian Penal Association, in 1948, played a central role in the creation of new agencies and in the formulation of new reform policies. An annual federal grant of over $20,000 was made to the various Societies, distributed in proportion to the penitentiary populations in their respective areas.

The President of the Penal Association, J. Alex Edmison, noted the dramatic national expansion of after-care during this period in his discussion of rehabilitation:

> Since 1946 there has been a sharp incrase in the number of societies and groups in Canada concerned with the needs of former prisoners. John Howard Societies, with paid workers are now in operation in Vancouver, Edmonton, Calgary, Montreal and Toronto. Other John Howard Societies, with voluntary or part-time personnel, are functioning in Victoria, Lethbridge, Peace River, Regina, Saskatoon, Prince Albert, Thunder Bay, London, Windsor, Hamilton, Sarnia and Moncton. Elizabeth Fry Societies, for work among female ex-prisoners, are established on a voluntary basis in Vancouver and Kingston. At Winnipeg, there is the Welfare Association, Manitoba (Prisoners' Aid), with full-time employees. Other organizations on a full-time employee basis are the Catholic Rehabilitation Service (Montreal), Société d'Orientation et de Réhabilitation Sociale (Montreal) and Le Service de Réadaption Sociale, Inc. (Quebec City).
>
> Although all these societies or associations are members of the Canadian Penal Association, each is autonomous. Their financial arrangements vary widely. Some obtain all their finances from the local Community Chest. Others rely solely on funds from local service clubs and citizens. Still others, in addition to receiving funds from interested citizens and business firms are assisted by grants from provincial or municipal governments. Those adjacent to federal penitentiaries are given proportionate grants out of the annual allotment of $23,000 from the federal government.
>
> In addition to this essentially secular activity among dischargees there are, of course, the well-known prison gate services of the Salvation Army and the Church Army of the Church of England in Canada. Other religious groups in Canada, such as the Society of Friends and some Roman Catholic bodies, are engaged in useful work, although on a limited scale.[17]

Something of a "New Deal" was observed in corrections in the post-war era, signified by a constructive turn toward a positivistic or a more scientific treatment concern for the offender, both within the correctional institution and upon his release into the community. In the Spring of 1947, Ontario launched a new more broadly based rehabilitation program in corrections, under its newly created Department of Reform Institutions. In

the West, Saskatchewan had appointed a major royal commission in 1946 to review its correctional system, in order to put it in line with then current trends.[18]

In the area of parole supervision, the Remission Service in Canada expanded after 1949, with offices being established in Vancouver and Montreal. In B.C., the Borstal association was created in 1948 to aid local parolees. The expansion of this important correctional service function was evident by its service extension, in 1949 there were only 89 cases under supervision, but by 1955 there were 769.[19] Related self-help groups also began to make inroads in Canadian corrections at this time. A forerunner in this area was Alcoholics Anonymous, which began a project at Dorchester Penitentiary in 1949. Other similar ventures at Burwash Industrial Farm and Kingston Penitentiary in Ontario began during this period.[20]

Governments in Canada continued to respond to institutional crises in corrections in the 1950s through their use of official inquiries or royal commissions. Such bodies performed a dual function in that they served to manage well publicized correctional disorder, as well as to reaffirm in ritual fashion a traditional notion of social order.

Canada had attempted to keep current with international correctional trends during this period. As a reflection of this, lawyer Major-General Ralph B. Gibson, Commissioner of Federal penitentiaries, had become President of the American Prison Association for 1952-53. The Annual Report of the Commissioner of Penitentiaries for 1955 indicated that, despite the advances made, criminal recidivism levels in Canada remained quite high. This problem was specified by Commissioner Gibson as follows:

GENERAL RECIDIVISM

47.) The percentage of general recidivism, which includes all types of previous known offences is 77.6% against 77% for 1953-54, and 78% for 1952-53. This percentage is of course high, but as the work generally implies, it includes all previous known sentences of any length. We read in the Federal Prison Report of the United States for 1953 that out of the 10,208 inmates received in the fiscal year ending June 30th, 1953, 61.4% were recidivist, but this figure includes only the sentences of one year or more and does not include the sentences of less than one year.

PENITENTIARY RECIDIVISM

48.) Of the 4,507 on Penitentiaries' registers as of March 31st, 1955, there were 3,167 inmates who were in the Penitentiary for the first time. The balance, 2,340, or 42.5% were Penitentiary recidivist (38% for 1953-54 representing 1,950 inmates). Of these recidivists, 961 had been admitted during the year against 945 in 1954-54, and 775 for 1952-53; 702 in 1951-52.21

The Report noted that recent rapid penitentiary population increase was in part due to a tendency of the courts to sentence offenders to longer terms in federal institutions both as a deterrent measure and as a means of securing better training and treatment facilities for them.22 The stated objective, to reduce institutional populations through an expansion of probation and parole programs, then being studied by a Special Committee appointed by the Minister of Justice, was seen by the Commissioner as a more necessary social reform.23

During the mid to late 1950s, the cause of after-care was advanced on a number of fronts. In 1957, the first Biennial Congress on Corrections was held in Montreal. The Canadian Corrections Association had been formed a year earlier through a merger of earlier agencies. The Elizabeth Fry Society opened its first home in Toronto as well in this period. By the early 1960s, the first St. Leonard's Society House had been established in Windsor, the

John Howard Society of Canada was created, and the Association des Sèrvices de Rehabilitation Sociale was formed as a federation out of previously existing agencies in Quebec. In 1965, the Canadian Corrections Association sponsored the International Congress of Criminology, which was held in Montreal, while two years later the St. Leonard's Society of Canada was chartered, followed a year later by the Fortune Society of Toronto.[24]

In the 1970s, the Solicitor General of Canada provided "Fee for Service" contracts to half-way houses and after-care agencies to better sustain community services. By 1975, the Canadian Association of Elizabeth Fry Societies and the Association of Native Courtworkers were formed. The John Howard Societies expanded their after-care services and submitted briefs on key justice issues such as capital punishment, the use of dissociation and prison alternatives.[25]

The Canadian Criminology and Corrections Association maintained an active role as well by responding to the Law Reform Commission of Canada's Working Papers.[26] The cause of academic criminology was advanced through the Centre of Criminology at the University of Toronto, which published a series of criminal justice works, and convened a major Crime Prevention Workshop in 1975. This meeting specifically addressed the function of both agency and community involvement in such prevention activity.

In 1976, a Federal Task Force was appointed to examine citizen and community involvement in the criminal justice system. The group addressed the complimentary roles to be played by various levels of government, in conjunction with private after-care agencies. Provincial Work Groups were formed and briefs were submitted by bodies such as the John Howard and Elizabeth Fry Societies, the St. Leonard's Society and the Canadian Native Group among others. The Task Force recommendations stated the need to

reinforce community responsibility for criminal justice administration through more effective resource use and the objective of strengthening non-governmental social support organizations.[28]

The growth of Canadian after-care agencies between 1867 and the present, reflects a progressive reform presence in the community. The chronological development of such initial volunteer and subsequent paid social work agencies in corrections, is traced sequentially in Apprendices 3, 4, 5 and 6. The movement's specific role is placed in the broader context of social reform and is summarized in the last section. In the absence of such after-care agencies, led by notable Canadian reformers, the level of correctional disorder, inmate recidivism and related problems would undoubtedly have been of much greater magnitude over the period 1967 to the present.

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SECTION IV

Prison Societies and Congresses: International Influence

Prison Societies and Congresses: International Influences

We herein trace the creation and growth of the international and Canadian penal or correctional congresses and the social reform movement associated with it which came to be formally reflected particularly in the successive International Penal and Prison Congresses. As the 19th century was an age of relatively unparalleled social welfare reform, a more international sharing of correctional experience and theory began to occur in the early decades of the 1800s from which Canada was to profit. The first such early meetings prior to the formal Congresses, occurred in Italy in 1841, in Frankfurt in 1846, in Brussels a year later, and were followed by another gathering held again in Frankfurt in 1857.[1]

This social movement was initially buoyed ahead by the active presence of particular groups such as the English Quakers and by individual reformers like Dr. E.C. Wines in the United States, William Tallack in England, Sir Walter Crofton in Ireland, and Canadians such as John Kidman and J. Alex Edmison. This reformism was fostered by the concomittant development of the Discharged Prisoners' Aid Movement, the Howard Association and subsequent organizations, as well as by the formalization of social work as a distinctive profession. This chronology principally covers the period from just prior to the First International Penitentiary Congress held in London in 1872 to the United Nations' absorption of this area after 1950.

Important events and innovations had occurred abroad which were to have direct implications for the future direction of Canadian corrections, especially after 1867. Prison reformer Rev. Enoch C. Wines, Secretary of the

Prison Association of New York, had called a conference of penologists in Cincinnati, Ohio on October 12-18 of 1870, to form the U.S. National Prison Association. The assembly drew up its famous "Declaration of Principles" which spelled out a progressive plan of reform, to include a mark or earned release system, the use of indeterminate sentences and other innovations.[2] The reformatory system was subsequently initiated in New York State in 1877 at Elmira, under Superintendent Zebulon R. Bockway. It was based on Sir Walter Crofton's intermediate mark system which allowed for inmates to earn increased levels of responsibility prior to their eventual release.

This First National Congress on Penitentiary and Reformatory Discipline held in Cincinnati was presided over by Ohio Governor Rutherford B. Hayes and numerous officers, including Rev. E.C. Wines, Z.R. Brockway and William Elder from the Dominion of Canada. Letters of interest were noted from Florence Nightingale as were reference materials on crime from William Tallack, Secretary of the London Howard Association; Tallack also presented at the Congress. Wines and Brockway reported on U.S. prison discipline and conditions; C.R. Crofton summarized the Irish prison system; specialized works on penology were compiled; and prison statistics were also reviewed by the delegates. President Grant afterward appointed Wines as a Commissioner to represent the U.S. at the next London Congress.[3]

It was Dr. Wines who went to London as the principal of an official U.S. mission to organize and to actively participate in the London Congress which was held a year later in July of 1872. The Congress took the American Declaration of Principles as a central theme for their discussions. This meeting was attended by some twenty nations and Sir Walter Crofton directed the preparatory committee. Prison conditions in a variety of countries were specficially reviewed by the London International Penitentiary Congress, as well, discussions were held on key correctional issues and papers were

presented by noted authorities. The range of specific issues discussed, included the questions of prison size, the use of administrative controls in respect to corrections, the direction of prison labour, and the general conduct of treatment and punishment approaches in various regimes.[4]

At the next series of International Penal and Penitentiary Congresses held in Stockholm in 1878 and in Rome in 1885, most major nations made at least a token representation. Dr. Wines, who had been elected president of the congress in London, used his personal influence to convince then U.S. President Rutherford B. Hayes in 1876 to make an appropriation to aid the American delegation. The Government of Sweden underwrote the main congress expenses. A principal aim of this meeting was a multinational survey of the "penitentiary question".[5]

By the Third Congress held in Rome in November of 1885, a number of leading international figures such as Wines and Count Sollohub had died. It was Sollohub who had provided a principal impetus for the creation of the international congress movement. Prison construction displays were a central focal point of the meeting. Subjects discussed by the delegates included penal legislation, penitentiaries and crime prevention. The five volumes of proceedings included an important overview survey on leading earlier correctional reform figures such as Alexander Manconochie, Elizabeth Fry, John Howard and Jeremy Bentham, among others.[6]

Later in September of 1887, Toronto Mayor W.H. Howland and S.H. Blake, Q.C., welcomed delegates to the Ninth U.S. National Prison Association Congress which was held in the city and jointly sponsored by the Ontario government and the Prisoners' Aid Association of Canada. The Association's endeavours had been aided by a series of annual supporting grants from the province. New directions in prison reform were followed, as discussed at the

earlier International Penal and Prison Congresses of London, Stockholm, and Rome. Mayor Howland also made a presentation on early Canadian after-care activities at the congress.[7]

The Fourth International Congress was convened in St. Petersburg in June of 1890. Some twenty-six countries were represented which included a population of 177 foreign delegates. The products produced by prison labour were displayed in a related exposition. Prison discipline and the problems posed by delinquent youth were issues specifically addressed.[8] The specific nature of Canadian participation in this and in several of the earlier Congresses is unfortunately not known.

The proceedings of the next three International Prison Congresses, which were held between 1895 and 1905, reflect a progressive commitment to a more positivistic or scientific approach to prison reform and individual rehabilitation. At home, in the province of Ontario, the Toronto Prisoners' Aid Society tabled its 18th Annual Report and held a Prison Reform Conference on December 13th, 1892, which was presided over by its president, S.H. Blake. Groups which were represented there included Protestant and Catholic churches, the Salvation Army, and the Children's Aid Society, among others.[9]

In 1897, the U.S. National Conference of Charities and Correction held its Twenty-Fourth Annual Meeting in Toronto to discuss then current social welfare concerns and penal reform innovations. The trend toward the widened use of indeterminate sentences during this period was specifically questioned by Judge H.S. McDonald of Brockville:

> When some great hulking brute assaults a little girl or a young woman, we may sentence him to the lash; and that is the only way for such a case. How are you going to put a man of that kind on probation? His case does not call for a long sentence: it calls

> for speedy action, and something that will deter him from such crimes. We have a law that, if a man commits robbery with violence, he may be sentenced to the lash, ...the violence that he inflicts shall come to himself. It is utterly impossible to apply in all classes of cases this system, ...[10]

The Report of the Minister of Justice on Canadian penitentiaries in 1905 contained a paper prepared by Douglas Stewart, Chairman of the Committee on Prison Discipline, for the U.S. National Prison Congress staged in October of the same year. Stewart's paper presented the traditionalist's approach to the issue of prison discipline as follows:

a) Respect for authority;
b) Prompt and implicit obedience;
c) The avoidance by officers of an irritating manner;
d) Neatness, cleanliness and thrift should be encouraged;
e) Realization of their immortality.

> Prison discipline, by inculcation of method, order and civilized habits of life lays the foundation of real manhood ...[11]

At this congress held in Lincoln, Nebraska in 1905, W.P. Archibald, the first Dominion Parole Officer, presented a paper on the "Discharged Prisoners" in Canada, providing a national survey of the after-care movement and its main proponents.[17]

Four years later, J.T. Gilmore of Canada presided over the U.S. Prison Congress held in Seattle. In the following year, 1910, the Eighth Congress of the International Penal and Prison Commission was conducted in the Fall in Washington, D.C. The Honorable George W. Wickersham, U.S. Attorney General,

principally directed the Congress.[13] It was Wickersham who was later to head one of the first major U.S. national crime commissions in the 1930s.[14] The Washington Congress offered delegates an opportunity to tour such noted U.S. institutions as the Elmira Reformatory and Auburn Penitentiary. Controversies which developed from the sessions centered on the use of the indeterminate sentence and the Soviet exile approach to corrections. It was related issues on sentencing and on the viability of the reformatory concept which were to have particular impact for Canada as Ontario opened Guelph Reformatory in 1910-11.

The onset of the First World War caused a cessation of international cooperation in correctional reform activity. It was not effectively reactivated until the mid-1920s by the Ninth Congress, held in London in August of 1925. Sir Evelyn Ruggles-Brise, Chairman of the British Prison Commission, had earlier prepared a summary text on the British correctional system which was published in 1921 and it was a central focal point of the meeting.[16] Canada was represented at the London Congress by McGill Professor T.W. Bridges. The U.S. National Conference of Social Work also held their 51st Session in Toronto in the summer of 1924 to discuss these and other correctional issues.

In September of 1929, the American Prison Association held its 59th Annual Congress in Toronto, Canadian correctional authorities Emerson Coatsworth, Coral W. Topping, C.F. Neelands and John Kidman respectively reported on the use of the indeterminate sentence and parole in Ontario, the passage of the county jail reformatory methods in the province, and juvenile delinquency.[17] W.S. Hughes, Canadian Superintendent of Penitentiaries, presented an address on the future of the penitentiary and some nineteen federal penitentiary officers also attended.[18]

Somewhat earlier, in 1926, the International Penal and Penitentiary Commission had established a social research bureau in Berne, in affiliation with the League of Nations. It was the British representation in these bodies which in 1934, promulgated a first draft of the Standard Minimum Rules for the Treatment of Prisoners which were accepted by the League's Fifteenth Assembly.[19]

In 1930, the 60th Annual Congress of the American Prison Association held in Louisville, Kentucky, was attended by Ontario Parole Commissioner Alfred E. Lavell, Dr. Helen MacMurchy of the Federal Child Welfare Department and Major W.J. Morrison of Ontario's Langstaff Jail Farm.[20] The social unrest of the 1930s produced by the Great Depression created prison riots and a harsh return to deterrence doctrine among criminal justice authorities in Canada and abroad.[21] This return to philosophies associated with the Classical School of criminology took a most sinister turn in the German Third Reich's eugenic approach to crime and social control which included the disclosure of the use of concentration camps. This was clearly reflected in the proceedings of the Eleventh International Penal and Penitentiary Congress held in Berlin in August of 1935.[22] John Kidman, Secretary of the Penal Association of Canada, attended in Berlin.

The 65th U.S. Annual Prison Congress, which met two months later in 1935, formally acknowledged this return to obsolete and brutal penal philosophy in its proceedings. Warden Lewis E. Lawes in his address on "Humanizing Our Prisons," quoted from the Reich Justice Minister to illustrate how German policies were an exercise in pure deterrence.[23] M.F. Gallagher, Chief of the Remission Service of Canada and D.M. Ormand, Superintendent of Penitentiaries, both from the Department of Justice, attended this session held in Atlanta, Georgia.[24]

The problems which beset Canadian corrections in the 1930s were specifically addressed by the Archambault Commission which reported in 1938. The commission took a holistic approach to criminal justice reform and served as a watershed to later government reform policy, both at the federal and provincial level.[25] Several years earlier in 1935, the First Canadian Penal Congress had been held in Montreal, under the direction of John Kidman, who was Secretary of the Canadian Penal Association. This latter congress reflected the progress of our own indigenous correctional reform movement which had been attained by this period and provided impetus and support for the 1938 commission.

During the 1940s, global conflict again caused a considerable stagnation in correctional reform and this situation was not overcome until the creation of new congresses and commissions of inquiry, beginning around the period of the early 1950s. Progress made in domestic correctional reform in the 1940s, included the expansion of the Canadian after-care network with the growth of the John Howard Society and other such agencies and the convening of the Second and Third Canadian Penal Congresses staged in Windsor in 1946 and in Kingston in 1949. The federal government also took the initiative to call a commission under R.B. Gibson in 1947, to follow up on the status of the implementation of the previous Archambault Commission's recommendations.[26]

On the international scene, the Penal and Penitentiary Commission conducted a session in Berne, Switzerland, in August of 1946, several years prior to the date of the Twelfth International Congress held at the Hague in 1950.[27] The latter event was the last such official congress held under the authority of the commission prior to its responsibilities being taken over by the United Nations, which continued to hold U.N. Congresses on the Prevention of Crime and the Treatment of Offenders at five-year intervals. One

principal reason for this change was the former body's close association with the Axis powers during the Second World War.[28]

Canada continued to make token representation in foreign congresses in the 1950s. J. Alex Edmison, Secretary of the John Howard Society of Ontario, attended the 80th U.S. Annual Prison Congress in St. Louis in 1950 as President of their National Prisoners' Aid Association. Canada took on the role of host country at the 83rd U.S. Annual Prison Congress which was staged three years later in Toronto in October of 1953.[30] This event was held in conjunction with the Fourth Canadian Penal Congress.

The conference, held under the auspices of the Canadian Penal Association, was attended by numerous notables including Mrs. Eleanor Roosevelt, Dr. Manuel Lopez-Rey of the U.N., James V. Bennett, Director, U.S. Bureau of Prisons, A.M. Kirkpatrick, and other senior correctional officials.[31] Major-General R.B. Gibson, in his Presidential Address, observed that the riots and the main impediments to correctional progress in the 1950s were due to such factors as institutional overcrowding, inadequacy of personnel, faulty prison administration, funding problems, and "official and public indifference."[32]

An important feature of the Congress was to publicize the Association's Manual of Suggested Standards, initially issued in 1946. The main theme of the meetings was to re-emphasize the need for a broadly-based treatment strategy in North American corrections. The opening remarks at the congress were given by the federal Minister of Justice, Stuart S. Garson, who outlined the progress made in Canadian corrections since the 1930s.[33]

The principal topics addressed by the Toronto delegates covered classification, correctional industry, inmate education, medical treatment problems, prisoner aid agencies and problems such as the ex-serviceman

prisoner, among other related themes. Canadian presenters included a strong contingent of federal and Ontario correctional officials, including Ralph E. March, Deputy Commissioner of Penitentiaries; J.A. McLaughlin, Assistant Commissioner for Industries (Penitentiaries); K.C. Hossick, Director of Narcotic Control (National Health and Welfare); and Psychologist Frank H. Potts and D.W.F. Coughlan, Director of Probation Services, both of whom were from Ontario.[34]

In the mid-1950s, the Canadian Corrections Association was formed through a merger of previously existing agencies and the First Biennial Congress was staged in Montreal on May 26-29, 1957. Numerous correctional officials and academics from the province of Quebec presented at the sessions; as well, Dr. Herman Mannheim spoke on the unification of criminal justice administration.[35] Such gatherings served to progressively consolidate key aspects of correctional reformism in Canada. This was typified by the conduct of the next Canadian Congress of Corrections held in May of 1959 in Vancouver.

In 1965, the Canadian Corrections Association hosted an International Congress of Criminology in Montreal. Canadian participation in American Prison Congresses continued during this decade, primarily the officials of the federal government. United Nations Crime Prevention Congresses had begun in Geneva in 1955, followed by meetings in London in 1960 and in Stockholm in 1965. The development of Canadian after-care organizations expanded in the 1960s as well, as a direct result of increased government assistance. The Centre of Criminology at the University of Toronto sponsored two national conferences in the mid-1960s, one for judges on sentencing issues, and the other on the prevention of crime as part of a continuing effort to integrate both criminological theory and practice.[36]

The Cuimet Commission Report tabled in 1969, signalled the renewed concern of the federal government for the need for a better integrated criminal justice system in the 1970s and 80s.[37] During this period, the University of Montreal's International Centre for Comparative Criminology pursued its goal of advancing cross-cultural research into the issues of crime and corrections. In 1970, the Canadian Corrections Association was renamed the Canadian Criminology and Corrections Association, reflecting its broadened mandate and interests. At the 100th Annual Congress of the American Correctional Association held in Cincinnati in October of 1970, the Solicitor General of Canada, the Honourable George J. McIlraith, spoke on the progress then being made in federal corrections in Canada:

> We are particularly grateful to you because of the part you have been playing in loaning men to us for our self-evaluation programme. The Canadian Penitentiary Service and the National Parole Board of Canada are the first federal systems of corrections to use ACA standards on a service-wide basis.[38]

The federal and provincial governments continued to increase their representation in the U.N. Congress on the Prevention of Crime and Treatment of Offenders, in the fourth meeting staged in Kyoto in 1970 and at the following congress which had been scheduled for Toronto in 1975, but which for political reasons, was moved to Geneva.[39] The International Penal and Penitentiary Foundation had presented its Third International Colloquium in Vienna on the theme of deviance and social reaction in June of 1972. The 105th U.S. Congress of Corrections of the American Correctional Association put on in Louisville, Kentucky in August of 1975, received an optimistic Presidential Address from John Braithwaite, Deputy Commissioner of the

Canadian Penitentiary Service, who was then President of the American Correctional Association.[41]

Although in the 1970s Canadian corrections were characterized by a considerable degree of unrest, particularly in federal institutions,[42] in over a century, many specific reform innovations had evolved which stemmed directly from international influences. As theories of prison disturbances have noted such institutional conflict could have resulted from uneven rates of reform between institutions, even within a general climate of progressive social change.[43] Canadian jurisdictions had reviewed and employed the reformatory concept and innovations in parole, classification, sentencing and after-care programs since 1867, approaches whose genesis had been firmly rooted in the European social experience. The broad development of the International Penal and Prison (Penitentiary) Congresses, those of the American Prison (Correctional) Association and the United Nations Congresses are shown in Tables 8, 9, and 10.

Canadian representation in the International Penal and Prison Congresses, especially prior to 1900, was at best rather limited. The influences of correctional reform occurring abroad were felt domestically nonetheless. Numerous provincial commissions of inquiry on prisons, such as those from Upper Canada, sent their commissioners overseas to survey existing programs and institutions well prior to Confederation.[44] Canadian reformers were much better represented over time at the U.S. Annual Prison Congresses. This was particularly true for the leaders of the after-care movement. Canada's closer affiliation with American penology meetings reflected the similar nature of our two correctional enterprises, symbolically beginning with the creation of the congregatory penitentiary at Kingston in 1835.

TABLE 8

International Penal and Prison (Penitentiary) Congresses, 1872-1950*

1. London, England, July 3-13, 1872 (first major international congress)
2. Stockholm, Sweden, August 15-26, 1878
3. Rome, Italy, November 16-24, 1885
4. St. Petersburg, Russia, June 15-24, 1890.
5. Paris, France, June 30-July 9, 1895
6. Brussels, Belgium, August 6-13, 1900.
7. Budapest, Hungary, September 3-9, 1905
8. Washington, D.C., U.S.A., October 2-8, 1910
9. London, England, August 4-10, 1925
10. Prague, Czechoslovakia, August 24-30, 1930
11. Berlin, Germany, August 19-24, 1935
12. The Hague, Netherlands, 1950 (last meeting prior to U.N. Congress leadership, beginning with Geneva in 1955)

N.B. Earlier such meetings were held in Italy in 1841, Frankfurt in 1846, Brussels in 1847, and Frankfurt in 1857. The congresses appear to have been staged under the general auspices of the International Penal and Prison Commission; proceedings have been published by various sources over the period indicated.

*Source: N.K. Teeters, Deliberations of the International Penal and Penitentiary Congresses, Philadelphia: Temple University, 1949; W. Gregory, ed., International Congresses and Conferences, 1840-1937, New York: H.W. Wilson, 1938, pp. 155-157.

TABLE 9

Schedule of Congresses of Correction, 1870 to 1979

Year	Place	President	Secretary
1870	Cincinnati, Ohio	R.B. Hayes, Ohio	E.C. Wines, N.Y.
1873	Baltimore, Md.	H. Seymour, N.Y.	E.C. Wines, N.Y.
1874	St. Louis, Mo.	H. Seymour, N.Y.	E.C. Wines, N.Y.
1876	New York, N.Y.	H. Seymour, N.Y.	E.C. Wines, N.Y.
1883	Saratoga Springs, N.Y.	R.B. Hayes, Ohio	W.M.F. Round, N.Y.
1884	Saratoga Springs, N.Y.	R.B. Hayes, Ohio	W.M.F. Round, N.Y.
1885	Detroit, Mich.	R.B. Hayes, Ohio	W.M.F. Round, N.Y.
1886	Atlanta, Ga.	R.B. Hayes, Ohio	W.M.F. Round, N.Y.
1887	Toronto, Canada	R.B. Hayes, Ohio	F.H. Wines, Ill.
1888	Boston, Mass.	R.B. Hayes, Ohio	F.H. Wines, Ill.
1889	Nashville, Tenn.	R.B. Hayes, Ohio	F.H. Wines, Ill.
1890	Cincinnati, Ohio	R.B. Hayes, Ohio	F.H. Wines, Ill.
1891	Pittsburgh, Pa.	R.B. Hayes, Ohio	J.I. Mulligan, Pa.
1892	Baltimore, Md.	R.B. Hayes, Ohio	J.I. Mulligan, Pa.
1893	Chicago, Ill.	R. Brinkeroff, Ohio	J.I. Mulligan, Pa.
1894	St. Paul, Minn.	R. Brinkeroff, Ohio	J.I. Mulligan, Pa.
1895	Denver, Colo.	R. Brinkeroff, Ohio	J.I. Mulligan, Pa.
1896	Milwaukee, Wisc.	R. Brinkeroff, Ohio	J.I. Mulligan, Pa.
1897	Austin, Tex.	R. Brinkeroff, Ohio	J.I. Mulligan, Pa.
1898	Indianapolis, Ind.	Z.R. Brockway, N.Y.	J.I. Mulligan, Pa.
1899**	New Orleans, La.	R.W. McClaughery, Ill.	J.I. Mulligan, Pa.
1899	Hartford, Conn.	R.W. McClaughery, Ill.	J.I. Mulligan, Pa.
1900	Cleveland, Ohio	E.S. Wright, Pa.	J.I. Mulligan, Pa.
1901	Kansas City, Mo.	J.F. Scott, Mass.	J.I. Mulligan, Pa.
1902	Philadelphia, Pa.	C.R. Henderson, Ill.	J.I. Mulligan, Pa.
1903	Louisville, Ky.	H. Wolfer, Minn.	J.I. Mulligan, Pa.
1904	Quincy, Ill.	C.T. Lewis, N.Y.***	J.I. Mulligan, Pa.
1905	Lincoln, Neb.	A. Garvin, Conn.	J.I. Mulligan, Pa.
1906	Albany, N.Y.	C.V. Collins, N.Y.	A.W. Butler, Ind.
1907	Chicago, Ill.	E.G. Murphy, Ill.	A.W. Butler, Ind.
1908	Richmond, Va.	J.I. Mulligan, Pa.	A.W. Butler, Ind.
1909	Seattle, Wash.	J.T. Gilmour, Canada	J.P. Byers, N.J.
1910	Washington, D.C.	A.W. Butler, Ind.	J.P. Byers, N.J.
1911	Omaha, Neb.	T.B. Patton, Pa.	J.P. Byers, N.J.
1912	Baltimore, Md.	F.G. Pettigrove, Mass.	J.P. Byers, N.J.
1913	Indianapolis, Ind.	J.A. Leonard, Ohio	J.P. Byers, N.J.
1914	St. Paul, Minn.	S.G. Smith, Minn.	J.P. Byers, N.J.
1915	Oakland, Calif.	J.P. Byers, N.J.	G.I. Sehon, Ky.
1916	Buffalo, N.Y.	A. Pratt, Utah	J.P. Byers, Pa.
1917	New Orleans, La.	D.C. Peyton, Ind.	J.P. Byers, Pa.
1919	New York, N.Y.	B.M. Spurr, W. Va.	J.P. Byers, Pa.
1920	Columbus, Ohio	G.W. Wickersham, N.Y.	J.P. Byers, Pa.
1921	Jacksonville, Fla.	C.B. Adams, Ill.	O.F. Lewis, N.Y.
1922	Detroit, Mich.	H.H. Hart, N.Y.	E.R. Cass, N.Y.
1923	Boston, Mass.	L.E. Lawes, N.Y.	E.R. Cass, N.Y.
1924	Salt Lake City, Utah	C.H. Johnson, N.Y.	E.R. Cass, N.Y.

TABLE 9 (continued)

Schedule of Congresses of Correction, 1870 to 1979

Year	Place	President	Secretary
1925	Jackson, Miss.	Frank Moore, N.J.	E.R. Cass, N.Y.
1926	Pittsburgh, Pa.	Sanford Bates, Mass.	E.R. Cass, N.Y.
1927	Tacoma, Wash.	W.F. Penn, Pa.	E.R. Cass, N.Y.
1928	Kansas City, Mo.	E.R. Cass, N.Y.	H.C. Hill, Md.
1929	Toronto, Canada	G.C. Erskine, Conn.	E.R. Cass, N.Y.
1930	Louisville, Ky.	C.J. Swendsen, Minn.	E.R. Cass, N.Y.
1931	Baltimore, Md.	L.C. Faulkner, N.Y.	E.R. Cass, N.Y.
1932	Indianapolis, Ind.	Oscar Lee, Wisc.	E.R. Cass, N.Y.
1933	Atlantic City, N.J.	W.N. Thayer, Jr., N.Y.	E.R. Cass, N.Y.
1934	Houston, Tex.	Calvin Derrick, N.J.	E.R. Cass, N.Y.
1935	Atlanta, Ga.	S.P. Ashe, Pa.	E.R. Cass, N.Y.
1936	Chicago, Ill.	Mrs. B.L. LaDu, Ill.	E.R. Cass, N.Y.
1937	Philadelphia, Pa.	William J. Ellis, N.Y.	E.R. Cass, N.Y.
1938	St. Paul, Minn.	Rice M. Youell, Va.	E.R. Cass, N.Y.
1939	New York, N.Y.	A.H. MacCormick, N.Y.	E.R. Cass, N.Y.
1940	Cincinnati, Ohio	J.V. Bennett, Wash., D.C.	E.R. Cass, N.Y.
1941	San Francisco, Calif.	James A. Johnston, Calif.	E.R. Cass, N.Y.
1942	Asheville, N.C.	G.H. Shaw, Wash., D.C.	E.R. Cass, N.Y.
1943	New York, N.Y.	R.A. McGee, Wash., D.C.	E.R. Cass, N.Y.
1944	New York, N.Y.	Joseph W. Sanford, Ga.	E.R. Cass, N.Y.
1945	New York, N.Y.	Garrett Heyns, Mich.	E.R. Cass, N.Y.
1946	Detroit, Mich.	Sam A. Lewisohn, N.Y.	E.R. Cass, N.Y.
1947	Long Beach, Calif.	Harold E. Donnell, Md.	E.R. Cass, N.Y.
1948	Boston, Mass.	W. Frank Smyth, Jr., Va.	E.R. Cass, N.Y.
1949	Milwaukee, Wisc.	John C. Burke, Wisc.	E.R. Cass, N.Y.
1950	St. Louis, Mo.	J. Stanley Sheppard, N.Y.	E.R. Cass, N.Y.
1951	Biloxi, Miss.	Joseph E. Ragen, Ill.	E.R. Cass, N.Y.
1952	Atlantic City, N.J.	James W. Curran, Md.	E.R. Cass, N.Y.
1953	Toronto, Canada	Ralph B. Gibson, Canada	E.R. Cass, N.Y.
1954	Philadelphia, Pa.	Walter M. Wallack, N.Y.	E.R. Cass, N.Y.
1955	Des Moines, Iowa	Kenyon J. Scudder, Calif.	E.R. Cass, N.Y.
1956	Los Angeles, Calif.	M.E. Alexander, Wash., D.C.	E.R. Cass, N.Y.
1957	Chicago, Ill.	E. Preston Sharp, Pa.	E.R. Cass, N.Y.
1958	Detroit, Mich.	Roberts J. Wright, N.Y.	E.R. Cass, N.Y.
1959	Miami Beach, Fla.	O.B. Ellis, Tex.	E.R. Cass, N.Y.
1960	Denver, Colo.	The Rev. G. Brinkman, Ill.	E.R. Cass, N.Y.
1961	Columbus, Ohio	Sanger B. Powers, Wisc.	E.R. Cass, N.Y.
1962	Philadelphia, Pa.	Arthur T. Prasse, Pa.	E.R. Cass, N.Y.
1963	Portland, Ore.	Peter P. Lejins, Md.	J.M. Wilson, D.C.
1964	Kansas City, Mo.	Harry C. Tinsley, Colo.	J.M. Wilson, D.C.
			Executive Director
1965	Boston, Mass	D. Clemmer, Wash., D.C.	E.P. Sharp, D.C.
1966	Baltimore, Md.	Harold V. Langlois, R.I.	E.P. Sharp, D.C.
1967	Miami Beach, Fla.	W. Dunbar, Wash., D.C.	E.P. Sharp, D.C.
1968	San Francisco, Calif.	Parker L. Hancock, N.H.	E.P. Sharp, Md.

TABLE 9 (continued)

Schedule of Congresses of Correction, 1870 to 1979

Year	Place	President	Secretary
1969	Minneapolis, Minn.	Ellis C. MacDougall, Conn.	E.P. Sharp, Md.
1970	Cincinnati, Ohio	Dr. George Beto, Tex.	E.P. Sharp, Md.
1971	Miami Beach, Fla.	Louie L. Wainwright, Fla.	E.P. Sharp, Md.
1972	Pittsburgh, Pa.	M.H. Sigler, Wash., D.C.	E.P. Sharp, Md.
1973	Seattle, Wash.	Martha E. Wheeler, Ohio	E.P. Sharp, Md.
1974	Houston, Tex.	Joseph S. Coughlin, Ill.	E.P. Sharp, Md.
1975	Louisville, Ky.	J.W. Braithwaite, Canada	A.P. Travisono, Md.
1976	Denver, Colo.	Oliver J. Keller, Fla.	A.P. Travisono, Md.
1977	Milwaukee, Wisc.	William D. Leeke, S.C.	A.P. Travisono, Md.
1978	Portland, Ore.	William D. Leeke, S.C.	A.P. Travisono, Md.
1979	Philadelphia, Pa.	N.A. Carlson, Wash., D.C.	A.P. Travisono, Md.

N.B.: The official name of the American Prison Association changed to the American Correctional Association in 1954.

*Source: American Correctional Association, Proceedings of the One Hundred and Ninth Annual Congress of Corrections, College Park, Md., August 1979.

**Adjourned Meeting

***In absence of the President, F.H. Wines, New Jersey, presided.

TABLE 10

United Nations Congresses on the Prevention of Crime and the Treatement of Offenders (1955 to 1980)

	Location	Dates
1.	Geneva, Switzerland	August-September 1955
2.	London, England	August 1960
3.	Stockholm, Sweden	August 1965
4.	Kyoto, Japan	August 1970
*5.	Geneva, Switzerland	September 1975
*6.	Caracus, Venezuela	August-September 1980

*N.B.: Congresses originally scheduled for Toronto, Ontario (1975) and Sydney, Austalia (1980). The Toronto site was changed due to controversy over planned P.L.O. representation which was opposed by various factions and thus the federal government has asked for a delay.

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SECTION V

Correctional Reform Through Incremental Social Change: A Summary

Correctional Reform Through Incremental Social Change: A Summary

In this section we review the progressive and yet incremental or largely piecemeal nature of Canadian correctional reform since the mid-19th century. The ground work for early social welfare programs in North America had its roots in the evolution of English society. There was a logical early link between Church-sponsored charities administered by volunteers and the later development of secular public relief and correctional reform programs in Canada. Canadian federal correctional institutions, created both prior to and after 1867, were modelled on pioneering United States prisons such as that at Auburn, New York.

The bureaucratic design and character of federal or Dominion government organization was virtually identical to that of Ontario in the pre-Confederation period. The early official approach to punishment and reformation placed a priority on classical deterrence doctrine, which accorded a lesser priority to reformation and treatment. Criminality was viewed in moralistic as well as in legal terms and thus scientific penal reform theories initially made only gradual inroads.

The "discovery" of the asylum and correctional institution in the early 19th century in Canada was related to the rise of the Institutional State, whicI$_t$É?self had been produced by major social change. The traditional modes of social control and of parochical relief were increasingly rationalized in the 1800s consistent with social needs, political expediency, and the rise of empirically-based science. The correctional insitution was initially envisaged as a kind of social laboratory which would reform the offender and

serve as a model to the larger social community.[1] The substantive character and direction of this movement reflected Canada's distinctive common law heritage and later American penological experimentation. The traditionally characteristic ethos of corrections in Canada reveals a basic conservatism and an overly faithful commitment to deterrence, likely the by-product of a political ideology itself born out of the early defeat of the liberal or republican ideas associated with the two abortive Rebellions of the 1830s.

The advance of correctional reform in England and later in North America was aided by the rise of the newly monied middle-class, whose challenge of orthodoxy became formaliized in a large scale social reform crusade which reached its zenith in the late 19th century. Social concern and the ability to work actively for the cause of social justice appears initially to have been, as in the case of John Howard and Elizabeth Fry, a patrician prerogative of affluence and leisure. Such individuals, however, created an enduring symbolic presence in the area of correctional reform with which later figures such as William Tallack in England, Sir Walter Crofton in Ireland, the Wines in the United States, and J. Alex Edmison in Canada, were able to ally themselves in order to affect similar reforms. Thus, most of the leadership for the correctional reform movement in the United States and Canada, both prior to and after Confederation, appears to have emanated largely from the private sector.

The correctional system inherited by the Dominion Government in 1867 as a result of the provisions of the BNA Act, was a relatively sophisticated one which included one asylum, a penitentiary and two provincial prisons. Provincial jurisdictions such as Upper Canada (Ontario) had created and progressively reformed Kingston Penitentiary, built along the lines of New York's Auburn Prison, through the aid of a series of governmental commissions.[2]

Correctional regimes in Canada by 1867 were still backed by the deterrence-oriented English Criminal Code which allowed easy resort to dispositions of corporal and capital punishment. As the nation developed in the post-Confederation period, new penitentiaries were built and their offender populations progressively increased. Although the harsh punishment philosophy associated with the Classical School of criminology had been humanized by a reform of the legal codes in Europe beginning in the late 1700s, such early doctrine persisted under the influence of Bentham's utilitarian philosophy whereby the "greatest good for the greatest number" was seemingly to have been maintained by the correctional institution such as his Panopticon prison.

The prisoners' aid movement in Canada, which had its earliest beginnings in association with established religious organizations, developed in a more formal way in the decades immediately following Confederation. The movement's social origins apparently stemmed from the activities of similar groups such as the Discharged Prisoner's Aid Societies, the Reformatory and Refuge Union, and the Howard Association in England, which had developed prior to 1867. The precursors of the prison after-care movement in Canada, which later became the John Howard and Elizabeth Fry Societies and Canadian Correctional Associations, are shown in developmental detail in Appendices 5 and 6. The constructive reform impact of such agencies was most remarkable, because their efforts were traditionally sustained by meager grants, public donations, and by fluctuating levels of private and official enthusiasm.

The competition between the Auburn and Pennsylvania prison systems in mid-19th century America had a marked influence on the future of corrections in Canada and abroad. While England and Europe adopted the Pennsylvania system of solitary confinement, the U.S. and Canada eclectically adopted a congregatory prison plan like that of Auburn. This latter choice was a fateful decision as it was to perpetuate prison classification problems, foster an inmate subculture and limit the viability of vocational and treatment programs in federal and provincial facilities.

Inherent in this correctional plan was a view of the individual as existing in a state of free will and as one who as a kind of commodity could be remolded through liberal applications of deterrence doctrine. Consistent with the Protestant ethic, both the freeman and the felon were to be distinguished by their respective "works" and when the latter failed, such a situation was interpreted by the authorities as the result of some moral or biological defect rather than as a product of social conditions. The influential criminological theories of Cesare Lombroso rationalized such correctional practice well into the 20th century.

Governmental commissions of inquiry were traditionally a principal regulatory device in Canadian corrections. These inquiries surveyed innovations in other jurisdictions and then rationalized their imposition or rejection in Canada. While Commissioners' efforts generally resulted in a more humane and functional penal system, their own social biographies and position in some measure insulated them from seriously addressing the underlying issues of crime causation. To such individuals, in the main self-made professionals with elite and political connections, the linkage between crime and individual need or economic determinism was something less than clear. Ironically too, the correctional practitioner himself, while

closer to the inmate in terms of social characteristics, opposed the generally liberal commission reforms on the grounds that they were acts of misplaced do-gooderism. It was this latter group, however, which was charged with actually implementing such reforms and for making them work.[3]

The rise of major correctional reformism in the 1800s was of course part of a larger progressive social reform movement. Although traditional accounts of prison reform described it in generally optimistic terms, contemporary observers have viewed such events in a more critical light. Michel Foucault has suggested that these supposedly humanitarian reforms were in fact an attempt to make punishment more empirical, practical and thus more pervasive.[4] Michael Cross has also commented on the lack of real change in Canadian corrections when viewed historically:

> ...Clearly, making life better for those incarcerated is a worthwhile task. But its limitations ought to be recognized. Now, as in the nineteenth century, reform can only nibble at the edges, play with changing techniques. It cannot change the basic assumptions on which the system operates. For the most basic of those assumptions certainly has not changed: the institutions of social control exist to serve very powerful and very effective interest in society.[5]

Perhaps the most accurate assessment of such Canadian social policy would be Susan Houston's observation that it has been based on a "delicate weave of moralism and economy".[6]

With the growth of a secular and industrial society after 1900, the nation turned increasingly to a scientific and more formalized approach to social problems such as crime. The direction and conduct of voluntary

correctional reform was aided by the early social elite, but the movement had an egalitarian character. The efforts of the Prisoners' Aid and other relief associations in this early period were in some measure limited by a lack of broad public support and by funding constraints among other factors. Government, at the federal and provincial level, frequently resorted to royal commissions to respond to crises so as to maintain its correctional regimes in an apparent state of order. The critical response to correctional reformism by correctional practitioners, however, revealed a continuing split between those concerned with institutional order and those whose paramount concern was humane offender treatment.

Early Canadian penal reformers showed a sensitivity to innovations from abroad and gradually incorporated these into the national prison system. After 1900, the mature positivistic theories associated with Lombroso and Ferri began to cause traditional notions of criminality to be critically reappraised. By the advent of the First World War, Canada had begun to consolidate the main tenets of the "new penology". The antagonistic demands for social and institutional order, reduced costs, and diminished recidivism through treatment-oriented reforms, nevertheless, remained into the contemporary social era.

Between the First World War and the advent of World War II, Canada faced relatively unprecedented social change. This change was produced by such factors as dramatic population increases, quickened industrialization, and a major expansion and contraction of the nations' economic base. Notwithstanding the fact that government had laid out a reasoned social welfare and correctional plan, this system was sorely strained in the first several decades after the turn of the century. Traditional notions of social and individual responsibility were effectively questioned by new socio-political

ideologies and by concomitant economic adversities culminating in the Great Depression. Crime theorizing and correctional practice advanced consistent with the scientific treatment concerns of the Positive School of criminology. Its progress was interrupted, by reversions back to punitive punishment philosophies, in the face of social and institutional crises in North America and elsewhere.

Although treatment-oriented reforms increased steadily in Canada, their impact on criminal recidivism in the post-World War I period was not overly impressive. While prisoners' aid associations and other after-care groups did what they could to facilitate offender reintegration, such bodies were limited by a lack of funding and of public interest. Conflict between reformers advocating treatment and correctional practitioners who resisted such reforms on the grounds that they were misplaced, continued largely unabated. Reforms made in improving facilities, new young offenders programs, and expanded parole/probation programs, were also limited by structural constraints inherent in the Canadian criminal justice system. Governments, both federal and provincial, as noted, frequently resorted to the creation of public inquiries or royal commissions to meet correctional disorder and to defuse public criticism. The Province of Ontario remained relatively in the vanguard of progressive correctional reform during this era.

Early Prisoner's Aid Associations in Canada took their lead closely from related organizational developments in England. The era's reform heroes, in this battle against the waste of human resources, included John Kidman, General D.C. Draper, Coral W. Topping, Alfred E. Lavell, and Agnes MacPhail, among others. The social tensions produced by the Great Depression of the 1930s, had set the stage for the creation of the Archambault Commission of

future. Its Report was a rather bold social statement which sought to achieve realistic correctional change and not simply a reaffirmation of traditional social order. As in an earlier period of correctional reformism, global conflict, however, superseded domestic wars on crime.

With the conclusion of World War II, various levels of government in Canada began to reassess their correctional regimes, which had lain relatively dormant during the war years. It was principally through the dynamism of the Canadian Penal Association under J. Alex Edmison and the private after-care agencies that correctional reformism was kept alive in Canada. The Federal Government, through its appointment of Major-General R.B. Gibson as Commissioner of Penitentiaries in 1946, took a renewed and more active role in corrections by reviewing the fate of the important earlier Archambault Commission recommendations and by providing a system of much needed grants to sustain the private after-care network.

What was observed during this period was an increasing professionalization of social reform in Canada and concomittant with this trend was an increasing commitment to a medically-oriented "treatment model" for corrections. This model had of course been strongly influenced by the work of the 19th century Positive School of criminology and subsequent social theorizing in the United States.

Except on rare occasions such as when the Ontario Commission on the Prison and Reformatory System of 1891 had formally recognized the work of Dr. Lombroso and Havelock Ellis on the "born criminal,"[7] detailed crime theory and research was not usually formally acknowledged or employed by most royal commissions or government reports. The Archambault Commission of 1938 did briefly refer to the work of U.S. criminologist Edwin H. Sutherland, Aichorn's work on psychoanalysis and delinquency, the research of the

Gluecks', Cyril Burt's delinquency studies and the writings of Canadians such as Coral W. Topping, John Kidman, and Alfred E. Lavell.[8] This body of material was seemingly not reviewed in a comprehensive way, however, to provide a specific rationale for well-integrated correctional practice. The Fauteux Commission of 1956, in its bibliography, alluded to the Gluecks' theories on crime and delinquency which adopted elements of physical type theory and multi-factoral research, but the Report did not specify their specific influence.[9]

Crime and correctional theory not surprisingly appears to have been adopted by Canadian commissions to suit a generally conservative and consensual societal framework, and thus more seemingly radical theories were considered beyond the pale. The earlier crime theory of Dutch sociologist William Bonger, published in 1916, was not within the mainstream of academic social theory as it addressed the role played by capitalistic economics in crime causation.[10] Thus, even in a period of unparalled economic depression during the 1930s, the Archambault Commission did not allude to such a body of theory. The same was true of the "labeling theory" which was seen as controversial when it was first developed in the 1960s from the work of Edwin Lemert and Howard S. Becker.[11] This theory indicated that the unrestrained use of law and other social control produced criminal careers through their stigmatizing effects. It was more than another decade though before such theories were given real credibility through the work on diversion of the Law Reform Commission of Canada.[12]

During the period between 1945 and the late 1960s, the after-care movement comprised of the various John Howard organizations and Elizabeth Fry Societies, and similar agencies made great strides both in pragmatically applying new theoretical insights and by developing position papers to

influence future correctional policy. Despite such well intentioned efforts by both of these agencies and various levels of government, criminal recidivism and increasing levels of criminality continued largely unabated.

Inherent in such social trends was the failure of the social and physical sciences to be able to effectively modify human behaviour in order to arrest the development of criminal careers. Federal and provincial governments continued to appoint commissions to address institutional unrest and to better ascertain why corrections in large measure failed to convert or to reform its subjects.

Correctional change in Canada was largely influenced by shifting government priorities, thus the influence of the First and Second World Wars caused a major move away from such domestic social issues and policies. While indictable crime increased steadily in Canada between 1867 and the late 1960s, such serious offences expressed as a rate per 100,000 population remained relatively stable, although summary offences rose dramatically after 1940.[13] It was not crime per se which influenced government correctional policy historically, but rather its publicized recognition by the media which produced a strong catalyst effect. The cyclical alternation between periods of reform and reaction were thus influenced fairly directly by institutional disorders or riots. In so far as riots were seen by inmates to produce desired changes, then such behaviour was almost encouraged by the absence of other positive factors for social change.

Specific reform innovations and successes must be noted in surveying the development of Canadian corrections. The range of progressive reforms achieved in corrections in over a century include the implementation of the reformatory plan in the Elmira, New York mold, the development of the English Ticket-of-Leave or parole system, criminal law codification and amendments,

the creation of national and provincial parole boards, earned remission concessions, the elimination of corporal and capital punishment, improved medical treatment, more sophisticated classification, expanded facilities with graded security levels, and the development of more meaningful vocational programs. General correctional efficiency or productivity is more difficult to measure, however, as it is probably necessary to go beyond simple conventional measures such as recidivism, imprisonment, and release rates; as well comparisons would have to be made between similar jurisdictions and within the same time-frame.

The advance of criminological theory in Canada is shown to have followed international social trends. The development of such theory moved from the harsh deterrence-oriented theories of the Classical School in the mid-1800s, to Lombroso's and Ferri's positivistic criminology which began to flourish after 1900. The movement of such applied theory grew optimistically in hopes of finding a positivistic or scientific cure for criminality by the turn of the century, only to sink back into a modified custodial containment position as subsequent theories appeared to lack reformative impact. A division also developed relatively early in Canada, particularly after 1900, between correctional practitioners and administrators on one side and social theorists, liberal commissioners and reformers on the other. The growth of social sciences such as psychology, sociology and social work did produce an increasing professionalization of reform and an effective impetus for a treatment model in corrections. New sociopsychological theories were slow to gain real acceptance in Canada, perhaps because of their vague character and due to their liberal ideology which prison authorities interpreted as undermining the system's deterrent socialization effects.

A particular reform program which began to show definite promise near the turn of the century was the formal beginning of the parole system, which was initially administered by the Dominion Parole Officer W.P. Archibald. While the inmates selected for such a disposition were admittedly perceived as good risks and forfeiture rates were quite low in comparison to general recidivism rates, such programs appeared to retain a kind of limited experimental status well into the 20th century.

As with the earlier unfavourable public accounts of ticket-of-leave men who had failed in England, perhaps Canadian authorities similarily felt that expanding such ventures rapidly in the 1890s would generally endanger the concept, and other program reforms.[14] The offshoot of such attitudes was a conservative and occasionally paranoid approach to demands made by reformers and after-care agencies for more rapid reform and innovation. Although such a rationale was likely linked to Canada's strong commitment to the goal of societal protection, traditionally the majority of federal offenders had been sentenced for nonviolent crimes against property.

Due to the dearth of Canadian materials on criminal justice history, the very early roots, particularly of correctional reform agencies and organizations, remain rather obscure. Aside from the principal roles played by the Anglican Church, the St. Vincent de Paul Society, the Salvation Army, and the Prisoners' Aid Association and their notable officials, the specific individual and group character of early correctional reform in Canada remains somewhat faceless.

It was observed earlier that, although criminality and social conflict has always been newsworthy in Canada, correctional successes and the ultimate fate of the offender has garnered much less attention. Canada has lacked a distinctive body of correctional research and theory, a situation which has

only begun to be remedied since the 1960s. It should also be noted that the main body of established criminological and correctional theory was developed by upper-middle class individuals in distinctively different social contexts, specifically in Europe and in the United States.

Three principal traditional impediments to correctional reform in Canada have been the factors of deterrence, less eligibility and status irreversibility. The nation's preoccupation with deterrence doctrine has frequently obscured alternative and more humane dispositions and thus has served to deter individual reformation as well in spite of a lack of knowledge of deterrence's precise effects. The 19th century English concept of "less eligibility" is the social policy principle which stated that inmates should not receive any special vocational training or other considerations which might surpass those available at a minimal level to the general public. Such a notion historically served to limit the scope and viability of correctional programs for a group of perpetual offenders who needed and perhaps could have profited from them most.

The final term "status irreversibility" refers to the traditional stigmatizing public and official attitude toward the prison inmate or ex-offender, whereby his conduct and experience were viewed as a kind of terminal rites de passage or as symptomatic or irreversible moral or character defects. Thus, the State's efforts were generally perceived to be largely wasted on such ventures. It has been these factors in combination which have contributed in large measure to corrections' rehabilitative failure.[15]

Through the work of the Fauteux and Ouimet Commissions, a new holistic perception of criminal justice had emerged which led in time to a questioning of the classical deterrence doctrine as well as of the efficacy of the newer correctional "treatment model". Studies done by these bodies also revealed the potentially great benefits to be derived from expanded parole and probation schemes when supported in turn by an adequate after-care network. Canada's tendency to over-institutionalize its social problems such as crime, as reflected in its relatively high per capita imprisonment rates, among other indicators[16] was, however, to have explosive repercussions in the 1970s.

Governments in Canada by the early 70s, despite their professed intentions to the contrary, had largely failed to effectively correct corrections. Although law and order has been a traditional and expedient vote-getter in Canada, correctional reformism has lacked a strong consistency. The turbulent 1960s was an era of consumerism, militancy, and activism and that these social influences should later have been reflected in correctional unrest should not have really surprised anyone, as prison is really a microcosm of society at large.

With the advance of more sophisticated empirical research techniques it became apparent that the greatest need of contemporary corrections was the need to know how to effectively change both the individual and the institutionally-based system. The perceived bankruptcy of treatment led in turn to an ideological debate as reflected in social theory, which had in an earlier generation called into question traditional concepts of social order and justice.

Leslie T. Wilkins has observed that the criminal justice system's greatest problem is its overreach:

> ... research findings tend to show that the less it is found necessary to interfere with the personal autonomy of the offender, the better are his chances for going straight in the future.[17]

The imposition of reform ideology and practice within a generally unsupportive social and correctional milieu is, as W.R. Outerbridge and E.W. Harrison have stated, doomed to fail:

> Almost without exception these programmes seek to change the offender by imposing solutions on him. In so doing they miss a crucial determinant of human behaviour: namely, that one can impose solutions if the object is to punish or to contain behaviour but not if the object is to change it. Thus, with all the modifications which have taken place in prisons, the root problem remains - the non-reciprocal nature of most prison programmes and the almost inevitable resistance of most individuals to organized efforts, however well intentioned, on their behalf.[18]

Underlying these problems has been the reactionary character of the Criminal Code which, however, is beginning to undergo reform through the efforts of the Law Reform Commission of Canada. Corrections, as well as being a characteristic form of bureaucracy, has experienced a blurring of means-ends distinctions in which its primary aims and functions have become rather obfuscated.

Governmental royal commissions and inquiries continued to be called, in cyclical fashion, to address correctional problems and to extend long-term reformism. These contemporary investigations did, however, tend to take a more integrated and gestalist approach to correctional policy, realizing that it was a central component in a larger social matrix. The Canadian correctional commissions of the past several decades espoused a reform philosophy larger and more coherent than simply one of social tinkering and

thus of limited mastery of the immediate problem at hand. The tone and character of the recent MacGuigan Sub-Committee Report revealed this increased sensitivity to the need to develop an effective social policy which would transcend the traditional "sacred cow" protectionism which has afflicted particular components of indigenous corrections.[19]

The Seventies were both the best and worst of times, as traditional norms and expectations were upset and new constructive gains were made. The decade witnessed an increasing politicization of criminal conduct and a criminalization of politics, and a "brave new world" of social engineering in corrections which was neither really new nor brave enough to be effective. Yet the period was one in which corrections had begun to be meanfully "corrected" and one wherein, both the individual and society began to realize better their mutual responsibility for social reform. Although crime has always been topical in Canada, the ultimate fate of the criminal has not been. It was through the efforts of the Solicitor General Canada and the Law Reform Commission of Canada, however, that this balance began to be redressed in the 1970s.

New international directions for criminal justice which Canadian policy is now beginning to follow show a progressive trend from a repressive to a more restitutive legal process. More current correctional research has begun to concentrate on the range of specific alternatives to incarceration and other reforms.[20] The victim, an integral component and yet one often overlooked in criminal justice has become increasingly recognized, symbolized by the First World Conference of Victimology held in Virginia in 1980.[21] In a conscious attempt to reduce correctional populations in Canada, new sentencing patterns reveal an increasing use of community-service orders, and the use of diversionary and temporary absence programs.

A central dimension of any historical assessment of the justice administration, or specifically of corrections in Canada, is the consideration of the main theoretical models which can make such evolution more comprehensible. To categorize the entire historical conduct of Canadian criminal justice within one theoretical orientation, whether conflict or consensus, is at best problematic. The periods of the 1830s and 1930s could be viewed within the conflict tradition, as the basic social fabric was rent and the very legitimacy of domestic social institutions was called into question. However, to label the entire development of indigenous criminal justice in such revisionist terms fails to do justice to the many constructive and humane reforms which were imparted to the justice system through eclectic policy changes. One is given to suspect that if the penitentiary was simply a coercive institution controlled by the ruling elite to provide industrial discipline and surplus labour as the revisionists claim,[22] simple economic rationality would have dictated its improved efficiency decades ago.

The mythology surrounding prisons presents a facade as formidable as their actual walls and perimeters. It is paradoxical that as certain of these myths, such as those of internal justice and reformation, are dispelled, the Canadian public appears to support more punitive, rather than reasoned responses. This is particularly true as reflected in continued high levels of support for capital punishment in the absence of empirical evidence favouring its re-institution.[23] This support for a "just deserts" punishment philosophy by the public has made the reformative gains secured by after-care agencies such as the John Howard Society and others all the more significant.

The incidence of criminality can be viewed historically as an index of social tension and the reaction to it in some measure directly reflects the national character. The ultimate diminution of crime is thus inexorably tied up in the nature of our society. Daniel Bell has similarly observed:

> Crime, in many ways, is a Coney Island mirror, caricaturing the morals and manners of a society.[24]

An observer on Canadian prisons years ago once remarked that the nation's institutions were known for their high walls and for the fact that few of their occupants ever escaped. While to many this has provided a sense of security and has been construed as a commendation, in the light of contemporary insights it stands as something of a prophetic indictment.

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APPENDICES

APPENDIX 1

SOCIETIES AND CONGRESSES DEALING WITH CRIMINOLOGY, PRISON REFORM AND PRISONERS' AID (1917)

N.B.: This list makes no pretence to completeness. Some of these societies send material free. Other good material may be obtained from the prison commissions of the different states.

(a) United States:

American Association of Clinical Criminology, Dr. David C. Peyton, President, Superintendent Indiana Reformatory, Jeffersonville, Ind.

American Institute of Criminal Law and Criminology, Edwin M. Abbott, Secretary, Philadelphia, Pa.

American Prison Association, Joseph B. Byers, Secretary, Philadelphia, Pa. Before 1908 known as the National Prison Association.

California Prison Association, Berkeley, California.

Central Howard Association, F. Emory Lyon, Superintendent, Chicago, Ill.

Colorado Prison Association, W.E. Collett, General Secretary, Denver, Colo.

Connecticut Prison Association, C.M. Thompson, Secretary, State Capitol, Hartford, Conn.

International Prison Commission, Dr. John Koren, Commissioner for the United States, Boston, Mass. The International Prison Commission is the executive committee of the International Prison Congress.

Joint Committee on Prison Reform, Alexander Cleland, Secretary, New York.

National Committee on Prisons, E. Stagg Whitin, Chairman, Executive Committee; J.K. Jaffray, J.D. Sears, Secretaries, New York.

National Conference of Charities and Correction, W.T. Cross, Secretary, Chicago, Ill.

National Prisoners' Aid Association, C.M. Thompson, Secretary, State Capitol, Hartford, Conn.

National Probation Association, Charles L. Chute, Secretary-Treasurer, Albany, N.Y.

New Jersey Charities Aid and Prison Reform Association, Newark, N.J.

New Jersey State Conference of Charities and Correction, Ernest D. Eaton, Secretary, Newark, N.J.

New York State Commission on Prison Reform, Dr. E. Stagg Whitin, Columbia University, New York.

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(continued)

New York State Conference of Charities and Correction, R.W. Wallace, Capitol, Albany, N.Y.

New York Probation and Protective Association, Maude E. Miner, Secretary, New York.

New York State Probation Commission, Charles L. Chute, Secretary, Albay, N.Y.

Pennsylvania Prison Society, A.H. Votaw, Secretary, Philadelphia, Pa.

Prison Association of New York, Orlando F. Lewis, General Secretary, New York.

Prison League of America, Volunteers of America, Col. James W. Merrill, Secretary, New York.

Prisoners' Relief Society, Earl E. Dudding, Managing Director, Huntington, W. Va.

Women's Prison Association, Mrs. Frederick MacCluer, Secretary, New York.

b) Canada/Ontario[1] - (1967 to 1919)

Canadian Conference of Charities and Corrections.

Canadian Prisoners' Welfare Association.

Christian Doctrinal Society.

Prison Reform Association of Ontario.

Prisoners' Aid Association of Canada and Provincial Reading Camp Association.

St. Vincent de Paul Society.

Salvation Army.

Toronto Social Service Commission (formally Associated Charities until 1912).

Toronto House of Industry.

Toronto Jail Mission.

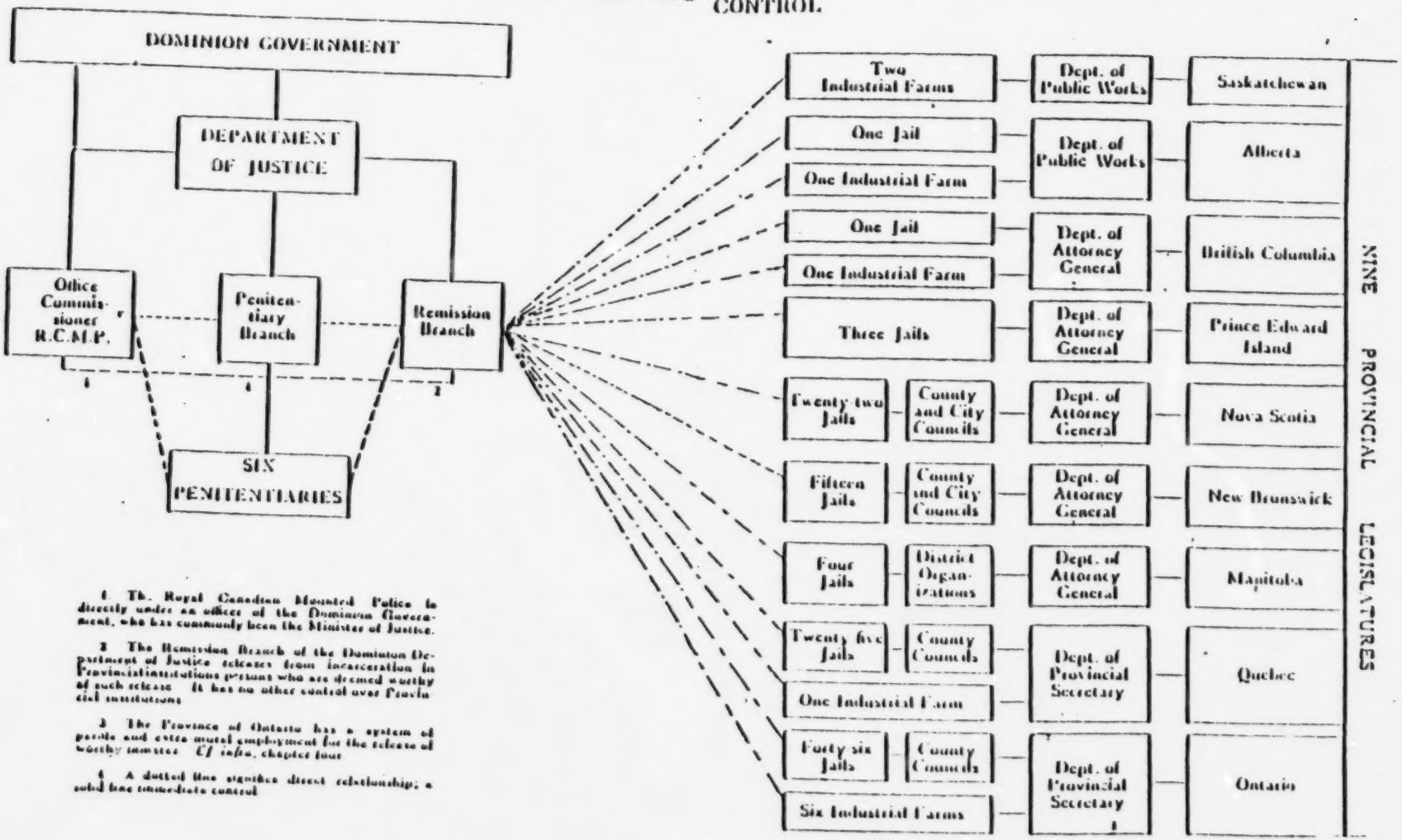
Young Men's Christian Associations.

SOURCES

*Corine Bacon, Prison Reform, New York: H.W. Wilson & Co., 1917, pp. xi-xii, Biblio. as modified.

[1]Canada, Dominion Parole Officer's Report, 1915, S.P. No. 34, p. 11; Donald G. Wetherell, "To Discipline and Train: Adult Rehabilitation Programmes in Ontario Prisons, 1874-1900," Histoire Sociale-Social History, Vol. XII, No. 23, May 1979; Misc.

CANADIAN PENAL INSTITUTIONS CLASSIFIED SO AS TO SHOW DETAILED ADMINISTRATIVE CONTROL.



1 The Royal Canadian Mounted Police is directly under an officer of the Dominion Government, who has commonly been the Minister of Justice.

2 The Remission Branch of the Dominion Department of Justice releases from incarceration in Provincial institutions persons who are deemed worthy of such release. It has no other control over Provincial institutions.

3 The Province of Ontario has a system of parole and extra mural employment for the release of worthy inmates. *Cf infra*, chapter four.

4 A dotted line signifies direct relationship; a solid line immediate control.

Coral W. Topping, Canadian Penal Institutions, (Toronto, Ont.: Ryerson Press, 1929) pp. 18-19.

APPENDIX 2

APPENDIX 3

CANADIAN PRISONERS' AID AND AFTER-CARE AGENCIES
INVOLVED WITH THE ARCHAMBAULT COMMISSION (1938)*

Canadian Council on Child and Family Welfare

Canadian Penal Association

Canadian Welfare Council

County of York Probation Department, Toronto

John Howard Society of British Columbia

La Jeunesse Ouvriere Catholique, Montreal

Manitoba Prisoners' Aid Association, Winnipeg

Prisoners' Aid and Welfare Association of Montreal

Prisoners' Aid Association of Canada

Prisoners' Rehabilitation Society of Toronto

Prisoners' Welfare Association of Halifax

Prisoners' Welfare Committee of the Regina Welfare Bureau

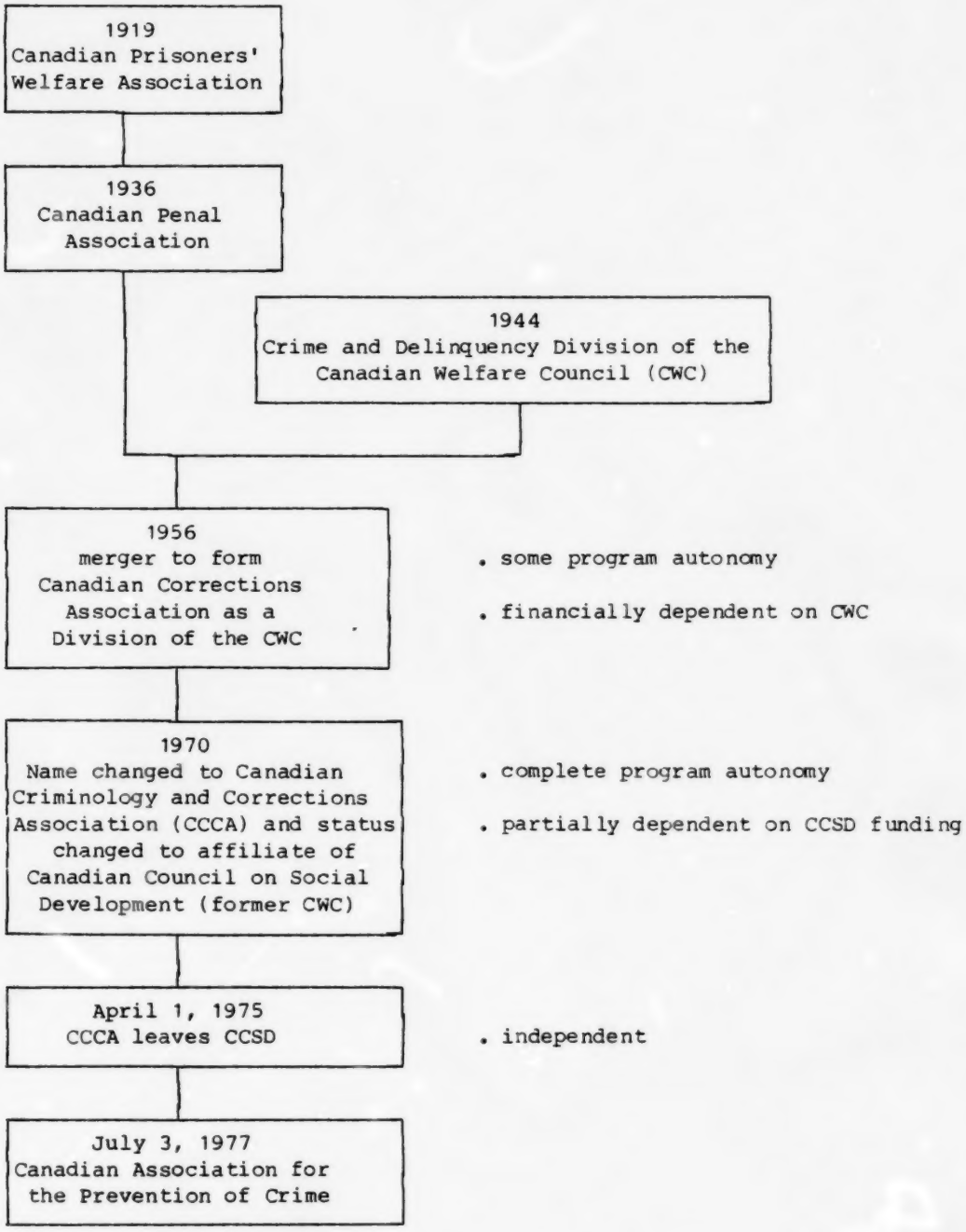
Salvation Army of Canada

Social Service Council of Canada

*Canada, Report of the Royal Commission to Investigate the Penal System of Canada, Ottawa: King's Printer, 1938, pp. 251-252; Biblio.

APPENDIX 4

THE DEVELOPMENT OF CANADIAN CORRECTIONAL ASSOCIATIONS*


1919
Canadian Prisoners' Welfare Association
1936
Canadian Penal Association
1944
Crime and Delinquency Division of the Canadian Welfare Council (CWC)
1956
merger to form Canadian Corrections Association as a Division of the CWC
. some program autonomy
. financially dependent on CWC
1970
Name changed to Canadian Criminology and Corrections Association (CCCA) and status changed to affiliate of Canadian Council on Social Development (former CWC)
. complete program autonomy
. partially dependent on CCSD funding
April 1, 1975
CCCA leaves CCSD
. independent
July 3, 1977
Canadian Association for the Prevention of Crime

*Canadian Association for the Prevention of Crime, Bulletin, C.A.P.C.: Ottawa, Vol. VII, No. 2, September, 1977, p. 2.

APPENDIX 5

THE DEVELOPMENT OF THE JOHN HOWARD SOCIETIES

John Howard (1726-1790)

Discharged Prisoners' Aid Societies
of England, 1850's
(Reformatory & Refuge Union)
Howard Association - 1866

National	Ontario
. expansion of Federal corrections in 1870s and 1880s	1867 Sunday School at Toronto Gaol
1892 John Howard Society of Montreal, affiliated with the Anglican Church began	1869-1874 Toronto Jail Mission - Prisoners' Aid Association begun
1878 Prisoners' Aid Association of Canada created	1915 Toronto P.A.A. inactive during W.W.I
1931 John Howard Society of B.C. established, first to use official name	1929 General D.C. Draper, Toronto Chief of Police, with help from churches and the Community Welfare Council, formed the Citizen's Service Association, under Rev. William A. McIlroy
. influence of Archambault Commission 1938	
1947-1953 Numerous John Howard Societies created nationally	1946 John Howard Society established under J. Alex Edmison
. influence of Fateux Commission 1956	1950s Society expanded under Director A.M. Kirkpatrick
1962 John Howard Society of Canada was formed	1971 Organization review of fifteen branches to increase effectiveness

APPENDIX 5
(continued)

National

- Canadian Committee on Corrections in 1969

1970s
Growth of Societies and expansion of services

- unrest in Corrections in the 1970s

Ontario

Late 1970s
Society presents position papers on key justice issues

APPENDIX 6

THE EVOLUTION OF THE TORONTO
ELIZABETH FRY SOCIETIES

Pioneering English penal reform efforts of Elizabeth Fry (1780-1845)

. reform influences of the Quaker Society of Friends & Ladies Committee

1938
Archambault Commissions consideration of women prisoners, showed lack of needed reforms

1950s
First Unitarian Congregation of Toronto under M.P. Agnes MacPhail, founded after-care Society in December of 1951

. early support assistance from Community Chest, the Junior League, Ministry of Reform Institutions, the John Howard Society and the Atkinson Foundation

Initial Society Office opened in Toronto under Director Phyllis Haslam in 1953

First Elizabeth Fry home opened in Toronto on Yorkville Avenue in 1957

1960s
Expanded Society role with increased services

. influence of Ouimet Report in 1969 and subsequent Royal Commissions

1975
Canadian Association formed

1980
Six Ontario branches and a national organization network of Societies

APPENDIX 7

CHRONOLOGY OF THE CANADIAN PRIVATE SECTOR IN CORRECTIONS (1867-1975)*

Confederation to World War I

1867 Establishment of a Sunday School in the Toronto Gaol.

1874 Establishment of the Prisoners' Aid Association of Toronto.

1878 Charter for the Prisoners' Aid Association of Canada created.

Ontario Government started annual grant of $1,000.

1887 Ninth National (American) Prison Congress held at Toronto supported by Prisoners' Aid Association of Canada and the Ontario Government.

1890 Salvation Army Prison Gate Home began to work at Toronto.

1891 Canadian Penal Convention held by Prisoners' Aid Association of Canada at Toronto.

1892 Establishment of Prisoners' Aid Association of Montreal which included both French and English speaking citizens.

1905 Brigadier Archibald, Salvation Army officer, became the first Dominion Parole Officer for Canada.

1915 Prisoners' Aid Association of Toronto became inactive.

World War I to World War II

1919 Canadian Prisoners' Welfare Association of Canada chartered.

1929 Toronto Prisoners' Aid Society re-activiated under the name Citizen Service Association.

1931 John Howard Society of B.C. established (first to use the name John Howard).

1935 Canadian Penal Association succeeded Canadian Prisoners' Welfare Association.

First Canadian Penal Congress held in Montreal.

Toronto's Citizen Service Association became Prisoners' Rehabilitation Association.

1940 First Elizabeth Fry Society formed in Vancouver.

1944 Crime and Delinquency Division of Canadian Welfare Council established.

APPENDIX 7
(continued)

World War II to Fauteux Report

1945 Société d'Orientation et de Réhabilitation Sociale established in Montreal.

1946 Toronto Prisoners' Rehabilitation Association became the John Howard Society of Ontario.

Second Canadian Penal Congress held in Windsor, Ontario.

1947 First federal grant to Canadian Penal Association.

Penitentiaries of Canada gave first grant of $10,000 to be distributed to after-care agencies across Canada.

Service de Réadaptation Sociale established at Québec.

1948 B.C. Borstal Association established to serve re-opened Borstal institution.

1948-50 A.A. movement in prisons began.

1947-53 Several John Howard Societies established across Canada.

1949 Third Canadian Penal Congress held at Kingston.

1953 Fourth Canadian Penal Congress held in conjunction with 83rd American Congress of Corrections at Toronto.

First Remission Service (Department of Justice) grants ($10,000) for parole supervision after-care agencies.

1954 Opening of Beverly Lodge, by the Anglican Church, as early half-way house for adult offenders at Toronto.

1954-58 Joint conferences--federal government, provincial government and private after-care agencies at Penitentiary Staff College, Kingston (The Calderwood Conferences).

1956 The Salvation Army Rehabilitation Centre opened in Montreal (residence and sheltered workshop).

Fauteux Report to Ouimet Report

1956 Fauteux Committee recommended continuing support for after-care agencies.

Canadian Penal Association and Crime and Delinquency Division CWC merged to form Canadian Corrections Association.

1957 First Biennial Congress of Corrections in Montreal.

APPENDIX 7
(continued)

1959 Indian and Metis Friendship Centre for community service opened in Winnipeg.

1962 First St. Leonard's Society House opened at Windsor, Ontario.

John Howard Society of Canada formed.

Association des Services de Réhabilitation Sociale formed in Québec as a federation of all agencies in that province, including the John Howard Society of Québec.

1965 Canadian Corrections Association host to International Congress of Criminology at Montreal.

1967 St. Leonard's Society of Canada chartered.

1967-68 Development of the Indian Post-Release Centre, later to become X-Kalay in Vancouver, the first self-help residence in Canada.

1968 Fortune Society started at Toronto as self-help group.

Post-Ouimet Report

1969 Ouimet Committee recommended that government recognize the need for a partnership with the voluntary agencies.

1970 Federal Solicitor General introduced "Fee for Service" contracts for half-way houses, parole supervision and community assessments.

Canadian Corrections Association changed name to Canadian Criminology and Corrections Association.

1972 National Association of Friendship Centres began.

1973 Québec after-care agencies, with few exceptions, became incorporated as Social Service Centres, with full provincial funding.

1975 Canadian Criminology and Corrections Association became independent from Canadian Council on Social Development.

Association of Native Courtworkers begun.

Canadian Association of Elizabeth Fry Societies formed.

National Associations Active in Criminal Justice formed.

*Source: Task Force on the Role of the Private Sector in Criminal Justice, Community Involvement in Criminal Justice, Ottawa: Supply & Services, 1977, pp. 14-16.